

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72627 of 2025

Arising Out of PS. Case No.-191 Year-2020 Thana- FATEHPUR District- Gaya

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1. Manoj Kumar @ Manoj Yadav S/O Prabhu Yadav R/O Vill.- Dharharwa khurd, P.S- Fatehpur, District - Gaya.
 2. Sukhdeo Kumar @ Sukhdeo Yadav S/O Prabhu Yadav R/O Vill.- Dharharwa khurd, P.S- Fatehpur, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deep Anshuman, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 12-12-2025 Heard the learned counsel for the petitioners as also the learned APP for the State Sri Ram Naresh Ray.

2. The present petition is by way of second attempt at the behest of the petitioners for grant of regular bail in connection with Fatehpur P.S. Case No. 191 of 2020 under Sections 341/323/325/308/302/379/504/506 and 34 of the Indian Penal Code inasmuch as the earlier bail petition was disposed off vide order dated 10.01.2025 passed in Criminal Misc. No.85376 of 2024 granting liberty to the petitioners to renew their prayer for bail immediately upon completion of one year in custody.

3. At this juncture itself it may be relevant to mention that after investigation and finding the case to be true, the police has filed charge sheet dated 28.11.2024 against the petitioners under Sections 341/323/325/307/302/504/506/34 of the Indian Penal



Code.

4. The case of the prosecution in brief as per the written report of the informant namely Pramila Devi (Pravila Devi) is that on 14.08.2020 at about 3:00 p.m. in the day time she was grazing her animals at Bhelwa Tand when on account of enmity and land dispute, the accused persons including the petitioners herein armed with lathi and iron rod had assaulted the husband of the informant badly and injured him in her presence. The informant is stated to have raised an alarm whereupon co-villager, namely Walmiki Yadav had reached there, whereafter he started snatching the lathi and iron rod from the accused persons, however he was also assaulted and injured by the accused persons. Thereafter, Umesh Yadav had reached there, lifted the husband of the informant and taken him in an injured condition to home. On the basis of the said written report of the informant, initially FIR bearing Fatehpur P.S. Case No. 191 of 2020 dated 14.08.2020 was registered under Sections 341/323/325/308/379/504/506/34 of the Indian Penal Code but later on Section 302 of the IPC had been added upon the death of the husband of the informant.

5. The learned counsel for the petitioners submits that the petitioners are innocent, have been falsely implicated in the



present case and a general and omnibus allegation has been levelled against all the accused persons. It is further submitted that the petitioners are languishing in custody since 5.9.2024. Lastly, reliance is placed on an order dated 11.02.2022 passed in Criminal Misc. No. 28107 of 2021, whereby and whereunder a coordinate Bench of this Court has been pleased to grant bail to one of the co-accused namely Prabhu Yadav, hence it is submitted that the petitioners be also granted the privilege of bail.

6. *Per contra*, the learned APP for the State has vehemently opposed the prayer of the petitioners for grant of bail and has submitted that the petitioners are having one criminal antecedent and moreover though Section 302 of the IPC was added subsequently in the connected FIR, however the same has not been mentioned in the petition which amounts to suppression of material fact. The learned APP for the State has also referred to the case diary to submit that there is enough material which has been collected during the course of investigation by the police to *prima facie* suggest the complicity of the petitioners in the alleged occurrence and moreover, the injury report and postmortem report of the deceased husband of the informant would also show that all the injuries are grievous in nature and



have been caused by hard and blunt substance which also corroborates the allegations levelled qua the petitioners, hence it is submitted that no sympathy should be shown to the petitioners.

7. I have heard the learned counsel for the parties and perused the materials on record as also those available in the case diary and I find that the husband of the informant was brutally assaulted by the petitioners and others by lathi and iron rod, leading to him being inflicted with grievous injuries caused by hard and blunt substance, which in turn resulted in death of the husband of the informant, as has stood substantiated from the injury report and postmortem examination report of the deceased. Thus *prima facie* the petitioners are definitely having complicity in the alleged killing of the husband of the informant and their overt act has led to death of the husband of the informant. As far as the order dated 11.02.2022 passed by a coordinate Bench of this Court in Criminal Misc. No. 28107 of 2021 is concerned, firstly the petitioner of the said case is not having any criminal antecedent whereas the petitioners of the present case are having one criminal antecedent and secondly charge sheet has been filed qua the petitioners herein under Sections 341/323/325/307/302/504/506/34 of the Indian Penal



Code vide charge sheet no. 604/24 dated 28.11.2024, i.e. much after passing of the aforesaid order dated 11.02.2022 by a coordinate Bench of this Court, apart from the fact that though the petitioner of the said case i.e. Criminal Misc. No. 28107 of 2021 had surrendered on 13.10.2020, however the petitioners of the present case were absconding and have surrendered only on 05.09.2024, i.e. after more than four years of the alleged occurrence and filing of the connected FIR. Thus, it is apparent that while the petitioner of the said Criminal Misc. No. 28107 of 2021 had surrendered within a period of about two months, the petitioners of the present case had engaged in over reaching the process of law by absconding for a period of more than four years and thereby creating an impediment and interfering with the investigation of the case as also evading the due process of law. Hence, the case of the petitioners of the present case is distinguishable from that of the petitioner of Criminal Misc. No. 28107 of 2021. Therefore, no sympathy is required to be shown to the petitioners, hence the present petition stands dismissed.

(Mohit Kumar Shah, J)

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