

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6149 of 2015

Arising Out of PS.Case No. -208 Year- 2014 Thana -RUPAULI District- PURNIA

- =====
1. Bashishtha Yadav @ Basista Kumar Yadav
 2. Gautam Yadav Both Sons of Late Akhilesh Yadav resident of Village – Baliya (Yadav Tola), P.S. - Rupouli (Mohanpur), District - Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Suman Kri.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3. 13-04-2015. Heard both sides.

Petitioners seek bail in Rupauli P.S.Case No.208 of 2014 for the offences punishable under section 302 and other sections of the IPC.

Gani Devi, the informant, made allegation that the petitioners along with Dhorhai Yadav and Gulo Yadav came and began to quarrel with her husband for partition. They assaulted her husband Akhilesh Yadav.

Learned counsel for the petitiners submits that there is omnibus and general allegation of assault against the petitioners. The informant is the second wife of the deceased and the petitioners are sons of the deceased born from his first wife. The petitioners have got no criminal antecedents and on account of land dispute for partition, the occurrence took place.

It appears that the informant made omnibus and general allegation of assault against the accused persons including the

petitioners but during the course of investigation, it has come that Bashistha Yadav and Gautam Yadav, the petitioners, who are sons of the deceased, assaulted his father. From perusal of the Post Mortem Report, it appears that Akhilesh Yadav got injuries on his head and his 3rd and 5th ribs were fractured and on account of the injuries on head and chest, he died.

Considering the facts that these petitioners have assaulted his own father, who died due to such injuries, I am not inclined to enlarge the petitioners on bail and accordingly, the same is rejected.

The Judicial Magistrate, Ist Class, Purnea, who is in seisin of the case, is directed to commit the case to the court of sessions for trial and the trial court shall expedite the trial and conclude the same within a period of one year from the date of commitment of the case.

(Prabhat Kumar Jha, J.)

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