

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47948 of 2014

Arising Out of PS.Case No. -237 Year- 2012 Thana -SIKANDARA District- JAMUI

Ram Chandra Yadav Son of Late Tileshwar Yadav, Resident of Village-
Acharyadih, P.S. Sikandra, District Jamui

.... Petitioner/s

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

Appearance:

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Adv.
Mr. Umesh Prasad, Adv.
For the Informant : Mr. Ambika Bhagar, Spl.P.P.
For the State : Mr. Madan Kr., Addl. P.P. Incharge.

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 03-04-2015 Heard learned counsel for the petitioner, learned
Additional Public Prosecutor along with learned counsel for the
informant.

In the background of having committed murder of
father of petitioner along with others about four years ago,
wherein deceased was an accused amongst others, it has been
alleged by the informant that while he along with deceased
(father) was returning from his field and reached near the house of
Sadhu Yadav, he had named the persons including the petitioner
who were armed variously and who intercepted his father, and
then thereafter, they began to assault with the weapon having in
their hand. During course thereof, Shankar was armed with sword,
Adhik was armed with Katta, Ram Chandra Yadav (petitioner)
was armed with Kulhari and rest were armed with lathi. He had



further stated that seeing the activity of the accused he ran therefrom however, during course thereof had seen Shankar had inflicted sword blow over neck of his father. Ram Chandra Yadav had inflicted Kulhari blow, rest also assaulted.

It has been submitted on behalf of petitioner that informant is not an eyewitness and in likewise manner none of the witnesses are an eye witness to the occurrence. It has also been submitted that even taking into account the statement of the witnesses, it is apparent that there happens to be specific disclosure with regard to accused Shankar to have inflicted sword blow over neck of the deceased however, so far petitioner is concerned it has not been alleged like so. That means to say there happens to be omnibus allegation. Therefore, petitioner should be released on bail.

It has also been submitted that the person who have been shown to have armed with lathi have already been granted bail. Though accused, against whom, there happens to be specific allegation have been refused bail.

At the other end the learned Additional Public Prosecutor opposed the prayer and submitted that as per postmortem report deceased had sustained six incised wound over different parts of body while seven happens to be multiple

abrasion over left chest and further, the doctor had also pointed the case of death on account of shock and haemorrhage due to above mentioned injuries caused by sharp and cutting weapon and that being so, the allegation on its face is found duly corroborated.

Consequent thereupon, I do not see it a fit case for grant of bail accordingly prayer for bail is rejected.

(Aditya Kumar Trivedi, J.)

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