

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25006 of 2015

Arising Out of PS.Case No. -105 Year- 2013 Thana -RAJAUN District- BANKA

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Sadanand Yadav S/o Late Gobardhan Yadav Resident of village - Tekani
Shyampur, Police Station - Rajoun, District - Banka.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Madhuranand Jha(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-07-2015

Heard learned counsel for the petitioner and the

State.

The petitioner seeks bail in a case instituted under

Sections 341, 323, 354, 504 and 302/34 of the Indian Penal Code.

It is alleged that on 17.7.2013 while the deceased

Kamleshwari Yadav was taking dinner at his home, co-accused

Siyaram Yadav came there in drunken state and started abusing

the deceased and asked as to why he had sold the land upon

which the deceased told that he had sold the land of his share.

Thereafter the petitioner and five other co-accused named in the

FIR came there. Accused Siyaram Yadav pressed the head of the

deceased on earth and the petitioner started assaulting him with

Lathi. The informant, wife of the deceased, tried to save her

husband then the accused persons assaulted her also. The deceased Kamleshwari Yadav sustained serious injury and blood shedding started from his mouth and nose and he died on the spot. Thereafter the accused persons fled away.

On behalf of the petitioner, it has been submitted that the petitioner is in custody since 23.2.2015 and the charge sheet has been submitted in the case. It has further been submitted that the petitioner has been falsely implicated in the present case due to the land dispute.

On behalf of the State, it has been submitted that there is direct allegation against the petitioner of assaulting the deceased with Lathi. Further, the post mortem report also supports the prosecution case.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The prayer is rejected.

However, the Trial Court is directed to conclude the trial of the case within a period of nine months from the date of receipt/production of a copy of this order.

(Sudhir Singh, J)

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