

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9191 of 2016

Arising Out of PS.Case No. -69 Year- 2015 Thana -SHAMBHUGANJ District- BANKA

1. BITTU YADAV @ BITTU KUMAR YADAV Son of Ashok Yadav
Resident of Village Sahpur P.s Shambuganj District Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.12938 of 2016

Arising Out of PS.Case No. -69 Year- 2015 Thana -SHAMBHUGANJ District- BANKA

1. Ajay Kumar Yadav @ Ajay Yadav
2. Sharwan Yadav @ Sharwan Kumar Yadav, Both sons of Shri Nand
Kishore Yadav Resident of village - Sahpur, P.S. Shambuganj, District -
Banka

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :
(In Cr.Misc. No.9191 of 2016)
For the Petitioner/s : Mr. Aaruni Singh
For the Opposite Party/s : Mr. Nand Kishore Pd.(App)
(In Cr.Misc. No.12938 of 2016)
For the Petitioner/s : Mr. Aaruni Singh
For the Opposite Party/s : Mr. M.K.Nirala(App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

6 23-06-2016 Both the Criminal Miscellaneous are of the same
occurrence and as such have been heard together and are being
disposed of by passing this common order.

Heard the learned counsel for the petitioners as well

as the learned A.P.P for the State.

The petitioners seek bail in a case for the offences punishable under sections 341, 323, 307, 379, 504, 506/34 and 302 of the I.P.C and section 27 of the Arms Act.

Allegedly, for moving the tractor through the Khalian of the Informant objection was made by wife of the informant resulting into altercation and assault by other co-accused and when Suresh Yadav and Bittu Yadav son of Indradeo Yadav came to rescue then the petitioners Sharwan Yadav, Bittu Yadav and Ajay Kumar Yadav started assaulting them with Lathi, Danda causing injury on the head of Suresh Yadav and Bittu Yadav and during treatment Suresh Yadav succumbed to the injuries. It is further alleged that the petitioner Ajay Kumar Yadav opened fire causing threats not to lodge the case.

Submission is of false implication and that due to the land dispute the occurrence has taken place at the spur of moment, there was no intention to commit murder, in the initial injury report injury no.2 was found simple in nature caused by the hard and blunt substance and regarding injury no.1 opinion was reserved which was pain and inflammation of head, there is no specific allegation against the petitioners, the allegations are omnibus and general in nature and after completing investigation

charge sheet has been submitted under sections 304 and other allied sections of the I.P.C and the allegation of opening fire has not been found true, the petitioner Bittu Yadav is in custody since 24.07.2015, whereas, other two petitioners, namely, Ajay Kumar Yadav and Sharwan Yadav are in custody since 28.10.2015.

The learned A.P.P. opposes prayer for bail by submitting that the postmortem report suggests that the petitioners assaulted the deceased and injured Bittu Yadav brutally on the vital parts.

In the facts and circumstances as stated above, at present I am not inclined to enlarge the petitioners on bail and accordingly their such prayer stands rejected in connection with Shambhuganj P.S. Case No. 69 of 2015/ G.R. No. 1620 of 2015 pending in the court of S.D.J.M. Banka.

However, the learned trial court is directed to expedite the trial and to conclude the same as early as possible preferably within a period of nine months from the date of receipt/production of a copy of this order after taking the same on the priority basis, failing which the petitioners may be at liberty to renew their prayer for bail.

(Jitendra Mohan Sharma, J)

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