

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22317 of 2016

Arising out of PS.Case No. -99 Year- 2015 Thana -PANCHRUKHI District- SIWAN

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Krishna Yadav @ Megha Yadav, Son of Chhabila Yadav, resident of
village - Nawada, Police Station Sarai (O.P.), District – Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Yogesh Chandra Verma, Sr. Advocate.

For the Opposite Party : Mr. A.Dayal(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

5 02-08-2016

Heard learned senior counsel for the petitioner, learned

counsel for the informant and learned counsel for the State.

The petitioner is languishing in custody since 19.07.2015 in connection with Pachrukhi (Sarai) P.S. Case No. 99 of 2015 for the offences instituted under Sections 147, 148, 149, 341, 323, 324, 307 and 302 of the IPC.

The prosecution story, in brief, is that the informant has a tea stall in the village. At about 7.00 P.M. some villagers of Nawada Village after eating *Bhuza* from the shop of Sugriv Sah denied to pay cost thereof, for which some hot exchange took place. Thereafter 10-12 miscreants came and started to assault all shopkeepers at Bazar. In the meantime, brother of the informant, namely, Amit Kumr, was coming after call of nature. On the order of co-accused Hari Shankar Chaudhary to kill him, this petitioner

made an axe blow upon his head as a result of which he fell down. Others have also assaulted him. The victim was admitted to Sadar Hospital and from where he was referred to Gorakhpur Hospital but in the way he died.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 19.07.2015 and the charge sheet has been submitted in the present case. There is no allegation of tampering of witnesses against the petitioner. Single *Khanti* blow is alleged to have been given by the petitioner on the deceased. There is no repetition of blow made by the petitioner. It is at best a case under Section 304 of the IPC.

On behalf of the learned counsels for the informant and the State it has been submitted that the petitioner is named in the F.I.R. and from perusal of the post mortem report, it is evident that the deceased is said to have died due to head injury.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Pachrukhi (Sarai) P.S. Case No. 99/2015, pending in the court of the learned S.D.J.M. Siwan. Anyhow, the court below is directed to take all necessary steps to expedite the trial.

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(Sudhir Singh, J)