

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2193 of 2016

Arising Out of PS.Case No. -36 Year- 2014 Thana -MADHEPUR District- MADHUBANI

1. Sanjay Yadav Son of Ram Prasad Yadav, Resident of Village - Birpur,
P.S. - Madhepur, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit

For the Opposite Party/s : Mr. Nirmala Kumari (App)

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

3 15-03-2016

Heard the learned counsel for the petitioner, the
learned A.P.P for the State as also the learned counsel for the
Informant.

The petitioner seeks bail in a case for the offences
punishable under sections 147, 148, 149, 341, 323, 324, 307 and
302 of the I.P.C and section 27 of the Arms Act.

Allegedly, on account of settlement of Hatia in the
village, the FIR named accused persons including the petitioner
being armed variously attacked Ram Chandra Yadav and Ram
Bihari Yadav resulting Ram Bihari Yadav succumbed to the
injuries in the way to Darbhanga Medical College Hospital.
During investigation, the witnesses vide paragraphs- 33, 35, 36, 38
and 39 of the case diary have stated that when the treatment was

going on to Ram Bihari Yadav, Kailash Yadav and Sanjay Yadav came with the dead body of Rinku Yadav and Sanjay Yadav assaulted Ram Bihari Yadav with hammer and also shot him in Primary Health Centre, Madhepur.

Submission is of false implication and that as per the First Information Report Ram Bihari Yadav died in the way to hospital but after making further development the petitioner has been implicated and has been alleged as the assailant, there is case and counter case, in both the sides one person has been killed, no staff or authority of the hospital has stated that the petitioner assaulted Ram Bihari Yadav during his treatment and such statement is contradictory to the statement made in the First Information Report and as such the petitioner deserves sympathetic consideration as he is suffering in custody since 03.09.2014.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that as per statement of witness Buchhi Devi, husband of the deceased, the petitioner assaulted the deceased by hammer and also shot him and the said hammer was seized from P.H.C. Madhepur.

In the facts and circumstances as stated above, considering that the witness Buchchi Devi, wife of Ram Bihari Yadav in paragraph-35 of the case diary stated specifically that the petitioner shot her husband and assaulted with the hammer which proved fatal and as such this Court is not inclined to enlarge the petitioner Sanjay Yadav on bail and accordingly his such prayer stands rejected in connection with Madhepur P.S. Case No. 36 of 2014/ G.R. No. 315 of 2014 pending in the Court of A.C.J.M. Jhanjharpur, District Madhubani.

(Jitendra Mohan Sharma, J)

Abhay/-

U		T	
---	--	---	--