

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16788 of 2016

Arising Out of PS.Case No. -11 Year- 2016 Thana -ARIYARI District- SEKHPURA

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1. Rajesh Yadav Son of Late Sukhdev Yadav, Resident of Hussainabad,
P.S. - Ariayari, District - Sheikhpora.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinkar Kumar

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

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

5 11-07-2016 Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under section 302/34 of the I.P.C

Allegedly, the petitioner and other three FIR named
accused persons started assaulting Ishwar Yadav, the husband of
the informant, with lathi, danda causing his death and further they
assaulted others also. During investigation some of the witnesses
have stated that the petitioner and Ramesh Yadav assaulted the
deceased with lathi causing his death, vide paragraphs- 21, 22 and
23 of the case diary.

Submission is of false implication and that there is no
specific allegation against the petitioner, admittedly the

occurrence has taken place for some petty dispute, there was no motive to commit murder, the occurrence has taken place at the spur of moment and the petitioner is suffering in custody since 27.01.2016 and as such he deserves sympathetic consideration as he has got no criminal antecedent.

The learned A.P.P. opposes prayer for bail.

In the facts and circumstances as stated above, considering that during investigation it has come that the petitioner and co-accused Ramesh Yadav assaulted the deceased brutally causing his death and as such, at present, I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Ariyari P.S. Case No. 11 of 2016 pending in the court of S.D.J.M. Sheikhpura.

However, let the trial be expedited and concluded as early as possible preferably within a period of nine months from the date of receipt/production of a copy of this order.

(Jitendra Mohan Sharma, J)

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