

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22679 of 2016

Arising out of PS.Case No. -173 Year- 2015 Thana -GURUA District- GAYA

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Seth Yadav, Son of Deo Ratan Yadav, resident of Village- Akohara, P.S.-
Gurua, District- Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Dhirendra Kumar, Advocate.

For the Opposite Party : Mr. Gajendra Pd.Yadav(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

4 02-08-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 02.10.2015
in connection with Gurua P.S. Case No. 173 of 2015 for the
offences instituted under Sections 341, 323, 338, 447, 307 and
302/34 of the IPC.

The prosecution story, in brief, is that on 30.09.2015 at
about 5.00 P.M., there was some dispute between both parties for
irrigating and diverting flow of water from their respective paddy
fields, whereupon the informant's father Ramkishun Yadav
intervened and asked the accused persons as to why they diverted
the flow of water and also assaulted his son. Thereupon as alleged
accused Gudiya Devi, Malari Devi and Bindu Devi came and
abused and entangled with Ram Kishun Yadav and by that time

this petitioner is said to have given *Khanti* blow on the head of the informant's father, Kapil Yadav with *Rama*, Guriya Devi with bricks and Umesh Yadav with Tanti assaulted Ram Kishun Yadav who died in hospital in course of treatment.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 02.10.2015 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses against the petitioner. The petitioner has got no criminal antecedent. The petitioner is said to have given a single *Khanti* blow on the head of the deceased. There is no repetition of assault alleged against the petitioner. The alleged occurrence is said to have taken place due to irrigation of field.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R. and there is specific allegation against the petitioner for causing injury on the head of the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Gurua P.S. Case No. 173/2015, pending in the court of the learned A.C.J.M. Sherghati, Gaya. Anyhow, the court below is directed to take all necessary steps to expedite the trial.

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(Sudhir Singh, J)