

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52742 of 2015

Arising Out of PS.Case No. -13 Year- 2014 Thana -KHAIRA District- JAMUI

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1. Vijoy Yadav Son of Kishun Yadav Resident of village - Garhi, Police Station Khaira, District - Jamui

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Sen Prasad Singh

For the Opposite Party/s : Mr. Ramesh Chandra(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 11-01-2016 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner seeks bail in connection with Khaira P.S. Case No. 13 of 2014 registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

Allegedly, five FIR named accused persons including the petitioner boarding in Bolero vehicle intercepted Pramod Yadav the son of the informant and stopped his motorcycle and thereafter, all pulled him and brought beneath the bridge, co-accused Pramod Yadav pointed pistol and rest crushed the head of the son of the informant by stone and further damaged the motorcycle by dashing and crushing by Bolero vehicle.

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

omnibus and general in nature, during supervision specific allegation has come against co-accused D.P. Yadav and Pradeep Yadav. As a matter of fact the informant has not seen the occurrence and the deceased might have met with an accident due to rash driving and he died due to fall on stone, the post mortem report also does not corroborate the prosecution version and as such the petitioner deserves sympathetic consideration as he has got no criminal antecedent.

Learned APP opposes the prayer of bail by submitting that the petitioner and others assaulted with stone on his head and crushed the head.

In the facts and circumstances stated above, considering the allegation against the petitioner serious in nature, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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