

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50622 of 2016

Arising Out of PS.Case No. -63 Year- 2016 Thana -NOORSARAI District- NALANDA
(BIHARSHARIFF)

=====

JAMUNA YADAV @YAMUNA YADAV, son of Late Sadhu Yadav,
Resident of Village- Biajpur, P.S.- Noorsarai, District- Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad

For the Opposite Party/s : Mr. Ram Priya Saran Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-12-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case instituted under
Sections 302/34 of the Indian Penal Code.

The allegation against the petitioner is of committing
assault upon the son of the informant by means of *lathi* and
danda, causing his death.

It has been submitted on behalf of the petitioner that the
petitioner is in custody since 19.08.2016. The charge sheet has
been submitted in the present case. The petitioner has got no
criminal antecedent. There is no allegation of tampering of
witnesses alleged against the petitioner. The occurrence is alleged
to have been taken place on 05.02.2016 and the F.I.R. was



instituted on 25.02.2016. The delay has not been explained by the prosecution. The petitioner has falsely been implicated in the present case, due to property dispute in the family.

On behalf of the state, it has been submitted that the petitioner is said to be one of the assailants and the said fact has also been supported by independent witnesses, which finds place in para-9 of the case diary. The postmortem report also supports the allegations made in the F.I.R.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Noorsarai P.S. Case No. 63 of 2016, pending in the court of learned C.J.M., Nalanda at Biharsharif.

Anyhow, the court below is directed to take all necessary steps to expedite the trial.

(Sudhir Singh, J.)

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