

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23425 of 2016

Arising Out of PS.Case No. -334 Year- 2012 Thana -DHANARUA District- PATNA

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Fudan Yadav S/o Ram Ji Prasad R/o village - Bahrampur, P.S. Dhanarua,
District - Patna

... Petitioner/s

Versus

1The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Dubey, Adv.

For the Opposite Party/s : Mr. P.N.Pandit(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 11.02.2016 in connection with Daraunda P.S. Case No. 334 of 2012, for the offences instituted under Section 302/34 of the Indian Penal Code.

The prosecution story, in brief, is that the son of the informant namely, Dhananjay Kumar was married with Lalo Devi but after marriage her daughter-in-law used to go her maika. Two days back her son (deceased) went to Sasural for taking his wife back but the in-laws assaulted him so he returned back. On 18.10.2012-19.10.2012 at 1.00 a.m. when she and her son were sleeping in the house Ramji Prasad & Fudan Yadav entered into the house and assaulted the deceased with 'iron rod' and 'Khanta' on his head. He became injured and fell down near chapakal. The accused persons also assaulted her so he became unconscious.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 11.02.2016. Charge sheet has been submitted in the present case. The petitioner has got no criminal antecedent. There is no allegation of tempering witnesses against the petitioner. The informant is the sole eye-witness to the alleged occurrence. No other witnesses have supported the prosecution case. Petitioner is the brother-in-law of the deceased. For an ulterior motive he has falsely been implicated in the present case.

On behalf of the State it is submitted that the petitioner is named in the F.I.R. There is a specific allegation of assaulting the deceased by 'iron road' and 'Khanti' on the head of the deceased. From perusal of the post-mortem report the cause of death is said to be the head injury caused by hard and blunt substance.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in connection Daraunda P.S. Case No. 334 of 2012 pending in the court of learned Sub-Divisional Judicial Magistrate, Masaurhi, District Patna. Anyhow, the Court below is directed to take all necessary steps to expedite the trial.

(Sudhir Singh, J)

Prakash/-

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