

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29463 of 2016

Arising Out of PS.Case No. -607 Year- 2015 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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Bhanu Yadav son of Late- Yogi Yadav, resident of Village- Jaisingh Pur
Chilraw P.S. Turkauliya District- East Champaran

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Nisha Verma, Advocate

For the Opposite Party/s : Mr. S.M. Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 06-09-2016

Heard learned counsel for the petitioner and the State.

The Petitioner seeks bail in Turkauliya P.S. case No.607 of 2015 instituted for the offence under Sections 147, 148, 149, 341, 323, 325, 307, 379, 504, 506 of the Indian Penal Code, pending in the court of Chief Judicial Magistrate, Motihari, East Champaran. Later on Section 302 of the I.P.C. was also added.

The prosecution story, in brief, is that on the alleged date and time of occurrence while the informant was seating at his door along with his brother, his pattidar Bhanu Yadav, Chandradeo Yadav came there and started abusing the informant. When the informant's brother objected, then on the order of the petitioner, other accused persons, who were armed with lathi, danda and iron rod, started assaulting the informant's brother and thereafter the petitioner had given bamboo blow on the head of the informant's brother causing his head injury. The accused Chathu

Rai had taken Rs.6000/- and a mobile phone from the pocket of the informant. The informant had taken his brother to Sadar Hospital for treatment.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 6.2.2016 and 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. There is admitted property dispute between the parties. The petitioner is alleged to have given a single bamboo blow on the head of the deceased. No repetition has been made by the petitioner. Hence, there was no intention to kill the deceased.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. and has caused a fatal injury upon the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner at this stage. The same is rejected.

(Sudhir Singh, J)

Narendra/-

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