

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15213 of 2016

Arising Out of PS.Case No. -244 Year- 2005 Thana -BARH District- PATNA

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Yogendra Prasad @ Yogendra Yadav @ Loha Singh son of late Jagat Rai,
resident of village Rajpura, Police Station Athmalgola in the district of
Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma

For the Opposite Party/s : Mr. R.B. Roy Raman (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 20-05-2016

Heard the learned counsel for the petitioner and the
learned A.P.P representing the State.

The petitioner seeks bail in connection with Session
Trial No. 750 of 2015 arising out of Barh (Athmalgola) P.S. Case
No. 244 of 2005 registered for the offence punishable under
Sections 341, 323, 326, 378, 307, 302 and 427/34 of the Indian
Penal Code.

The allegation against the petitioner is that he
assaulted Mahesh Rai with iron rod repeatedly on his head and
co-accused Balmiki Yadav assaulted with screw driver by
inserting the same in his ear and also back portion of head and
co-accused Sanjay Yadav and Chintu Yadav assaulted the
informant with bricks and further the petitioner assaulted the
informant also with iron rod. Mahesh Yadav died at P.M.C.H.
during the treatment.

Submission is of false implication and that it is a case of accident, the informant after taking advantage of the situation has lodged this false case, due to enmity the petitioner has been implicated, the fardbayan has been recorded on 03.08.2005 after delay first information report was registered on 05.08.2005 and the same was sent in the Court of Additional Chief Judicial Magistrate, Barh on 06.08.2005. The petitioner without any fault is suffering in custody since 05.08.2015 and he deserves sympathetic consideration to which the learned A.P.P. seriously opposes by submitting that the informant was also injured and besides the informant other eye witnesses have also supported the allegation, the petitioner has got criminal antecedent and he also remained absconding.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner, I am not inclined to enlarge the petitioner on bail and accordingly his prayer stands rejected in connection with Session Trial No. 750 of 2015 arising out of Barh (Athmalgola) P.S. Case No. 244 of 2005 pending in the Court of learned Additional Sessions Judge II, Barh.

(Jitendra Mohan Sharma, J.)

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