

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17012 of 2016

Arising Out of PS.Case No. -156 Year- 2015 Thana -BEGUSARAI MUFFASIL District-
BEGUSARAI

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Ram Badan Yadav son of Late Ramawatar Yadav, Resident of village- Suja
Tola, P.S. Begusarai Muffasil, District- Begusarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Raj Ballabh Singh(App)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 03-05-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is seeking regular bail in
connection with Begusarai Muffasil P.S. Case No.156 of 2015,
registered for the offence punishable under Section 302/34 of the
Indian Penal Code.

Allegation has been made that the victim was
apprehended for the theft of husk of wheat of Sulo Yadav.
Thereafter, Sulo Yadav put a rope in the waist of the victim and
the same was tied in the back side of his horse and took the victim
to the village, where all the accused persons have assaulted the
victim, ultimately the victim succumbed to the injury.

Learned counsel for the petitioner submits that the petitioner has not been involved in the first phase of incident, but has been involved in the second phase of incident. He further submits that general and omnibus allegation has been made against the petitioner.

Learned counsel for the informant submits that all the accused persons have assaulted the victim mercilessly and dragged him from the field to the village in a very cruel manner, which resulted into the death of the victim.

Learned counsel for the informant has produced on record the order of this Court passed in Criminal Miscellaneous No.44453 of 2015 and Criminal Miscellaneous No.46453 of 2015, whereby this Court has rejected the bail applications of co-accused Sulo Yadav and Suro Mahto.

Learned counsel for the petitioner submits that the case of the present petitioner is different to the case of co-accused Sulo Yadav and Suro Mahto as they were found involved in the first phase of incident whereas the petitioner was found involved in the second phase of incident and as such, the petitioner should be granted bail by this Court.

Having considered the rival contentions of the parties and the nature of allegation levelled against the present petitioner, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail is rejected. However, the Trial Court is directed to conclude the trial as early as possible.

(Shivaji Pandey, J)

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