

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3986 of 2017

Arising Out of PS.Case No. -231 Year- 2016 Thana -BELHAR District- BANKA

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1. Pawan Yadav, S/o Subhit Lal Yadav,
2. Umesh Yadav, S/o Late Gunni Yadav,
3. Badri Yadav, S/o Late Mogal Yadav, all resident of village-Bishanpur,
Police Station-Belhar, District-Banka.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.
Mr. Ajay Mukherjee, Adv.
For the Opposite Party/s : Mr. Sri Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 23-03-2017 Heard learned counsel for the petitioners as well as
learned A.P.P. for the State.

The petitioners seek bail in connection with Belhar P.S.
Case No. 231/2016, registered for the offences punishable under
Sections 147, 148, 149, 341, 323, 307, 302, 504 and 506 of the
Indian Penal Code.

Allegedly, the petitioners and other five co-accused
persons assaulted the informant, his father and others. They also
assaulted Janam Priya, a small girl. Thereafter, the petitioners and
Dilip Yadav started assaulting with rod and lathi to the father of
the informant till his death.



Submission is of false implication and that in the post-mortem report only two injuries have been found on the person of the deceased, whereas in earlier part there is allegation against eight accused persons and later on against four accused persons including the petitioners. The prosecution story appears not reliable and believable. Besides family members no other independent witness has come forward to support the prosecution version and as such, the petitioners deserve sympathetic consideration.

Learned A.P.P. vehemently opposes the prayer for bail.

Considering the facts aforesaid and the fact that the petitioners and co-accused Dilip Yadav are the assailants, I am not inclined to enlarge the petitioners on bail. Accordingly their such prayer stands rejected.

(Jitendra Mohan Sharma, J.)

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