

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16579 of 2017

Arising Out of PS.Case No. -35 Year- 2016 Thana -GOBARDHANA District-
WESTCHAMPARAN(BETTIAH)

=====

1. Lal Babu Yadav Son of Late Birendra Yadav, Resident of Village-
Kadmahawa, Police Station- Chiutaha, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra

For the Opposite Party/s : Mr. Sri Asharaf Ansari

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 19-05-2017 Heard both sides.

The petitioner seeks bail in Gobardhana P.S. case No.
35 of 2016 under Section 302/34 of the Indian Penal Code.

The informant alleged that she and her husband,
Birendra Yadav, went to field for harvesting paddy crops. The
petitioner, Lal Babu Yadav, and his wife came there and asked
Birendra Yadav not to harvest the paddy crops. The petitioner and
his wife assaulted Birendra Yadav. Birendra Yadav fell down on
the ground and died.

The learned counsel for the petitioner submits that
petitioner is younger son of the informant and the deceased. The
informant later on filed a petition that she is an illiterate lady and



she only gave her thumb impression on the written petition but she did not make any allegation against her son.

It appears that informant is mother of the petitioner and the deceased is father of the petitioner. While father of the petitioner was harvesting paddy crops, the petitioner and his wife brutally assaulted Birendra Yadav and Birendra Yadav got injuries on his chest. From the perusal of the post mortem report, it appears that 3rd and 4th ribs of chest of Birendra Yadav were found fractured and on account of which Birendra Yadav died.

Considering the fact that petitioner, being son of the deceased, assaulted him, on account of some land dispute, killing him on the spot, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

BKS/-

U		T	
---	--	---	--

