

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53715 of 2016

Arising Out of PS.Case No. -174 Year- 2016 Thana -SHEKHPURA District- SEKHPURA

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Ram Bali Yadav, Son of Shahdeo Yadav, resident of Village- Kusumbha
Tola- Baghaiy, P.S. Sheikhpura (Kusumbha), District- Sheikhpura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 28-01-2017 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted for the
offence under Section 302 of the Indian Penal Code.

The prosecution case is that the informant's mother
and daughter namely, Kajal Kumari slept in southern part of the
old house. The informant came to the old house early in the
morning on 19.6.2016 and found his mother dead. The matter
was enquired from his daughter, who pointed out that the
petitioner had entered in the house at night and had dragged the
grand-mother (since deceased) from the cot and pressed her
mouth with intention to kill her. He again brought her back on the



cot and left her. He told the daughter of the informant to give air to her by using fan and ran away.

The counsel for the petitioner has submitted that only eye witness of this case is seven year's old daughter of the informant. No reliance can be placed on her statement.

The learned A.P.P. has submitted that the statement of daughter of the informant gets support from the postmortem examination report.

The police has mentioned the postmortem examination report recorded in paragraph-4 of the case diary wherein the doctor has found the death was caused due to asphyxia by throttling. The police after investigation submitted charge sheet against the petitioner for the offence under Section 302 of the Indian Penal Code.

In this manner, the statement of the victim Kajal Kumari made in paragraph-7 of the case diary corroborates the postmortem examination report.

In such circumstances, this Court is not inclined to grant anticipatory bail to the petitioner.

The prayer for anticipatory bail of the petitioner stands rejected.

The petitioner may renew his prayer for bail after nine



months, if no substantive progress is made in the trial.

The court below is directed to expedite the trial.

(Sanjay Priya, J)

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