

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17135 of 2017

Arising Out of PS.Case No. -127 Year- 2015 Thana -KAUAKOL District- NAWADA

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1. Bholi Yadav Son of Bal Kishun Yadav, Resident of Village- Rani Bazar,
Police Station- Kowakole in the District of Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 22-06-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in jail since 02.11.2016 in a
case registered for offences punishable under Sections 341, 323,
379, 307, 302/34 of the Indian Penal Code.

The prosecution case as lodged by the mother of the
deceased Shankar Yadav, who was working as a Munshi under
sand Contractor namely, Rajballabh and was engaged in issuing
challans. The petitioner came for loading sand but he refused to
take challans on which altercations took place, thereafter, when
the son of the informant was returning to his village and reached
near Rani Bazar power House, all accused persons including the
petitioner surrounded him and started to assault with lathi and
stones, as a result the son of the informant succumbed to injury



during course of treatment.

It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in the aforesaid case. There were five accused persons but it is not certain whose injury inflicted on the scalp of Shankar Yadav (deceased) caused death. It is further submitted that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned A.P.P. for the State however submits that independent witnesses in paras- 10, 18 and on statement of the injured also at para-15 of the case diary evidently narrates that the petitioner and other accused persons had beaten the son of the informant, hence, opposes the prayer for bail.

Considering the facts and circumstance and materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage and accordingly, this application is rejected.

(Nilu Agrawal, J)

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