

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46470 of 2017

Arising Out of PS.Case No. -168 Year- 2005 Thana -NAWANGAR District- BUXAR

=====

1. Dharmdeo Yadav @ Dharamdeo Singh @ Dharmdeo Singh @
Dhermdeo Singh son of Late Basdeo Singh Yadav @ Late Basdeo Singh
R/o Vill Mania, P.S. Nawanagar (Sonbarsa O.P.), Dist Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma

For the Opposite Party/s : Mr. Sri Atul Chandra

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 21-09-2017 Heard both sides.

The petitioner seeks provisional bail in Nawanagar
P.S. case No. 168 of 2005, corresponding to Sessions Trial No.
132 of 2015, under Sections 302/34 of the IPC and under Section
27 of the Arms Act.

The learned counsel for the petitioner submits that
father of the petitioner died on 12.08.2017 and Shradh ceremony
of father of petitioner is deferred for release of the petitioner from
jail.

On query, the learned counsel for the petitioner
submits that petitioner has got three brothers. It appears that the
occurrence took place in the year 2005. There is specific allegation



that petitioner also made indiscriminate firing causing the death of the uncle of the informant on the spot but the petitioner remained absconding for more than 11 years. The petitioner earlier also filed a petition for provisional bail for performing the marriage of his son but the same was negatived as the report could not reach this court in time. Generally, under the Hindu custom Shradh is performed on 12th day of death by the elder son of the deceased. The petitioner is not the eldest son of the deceased. The father of petitioner died on 12.08.2017 and more than one month has elapsed.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on provisional bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

BKS/-

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

