

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37305 of 2017

Arising Out of PS.Case No. -758 Year- 2016 Thana -MADHEPURA District- MADHEPURA

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Arun Yadav son of late Shobha Nand Yadav, resident of Village-Bairba,
Ward No. 07, P.S. and District-Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma

For the Opposite Party/s : Mr. Sri Arun Kumar Pandey

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

4 14-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
28.05.2017 in connection with Madhepura P.S. Case No. 758
of 2016 for offences punishable under Sections 147, 341, 323,
302 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that on objection of cutting bamboo from his field the co-
accused Arvind Yadav, the petitioner and two others started
throwing stones and armed with lathi, danda assaulted as a



result the mother of the informant Nagiya Devi was injured on her head. Thereafter while taking her to the hospital for higher specialty treatment she succumbed to the injury.

It has been submitted by the learned counsel for the petitioner that he is innocent and general and omnibus allegation has been levelled against all the accused persons including the petitioner of pelting stones as corroborated by the independent witnesses. He submits that both the parties are agnates and next door neighbours and that there was no motive behind the alleged occurrence. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Madhepura P.S. Case No.758 of 2016, pending in the court of learned Chief Judicial Magistrate, Madhepura.

The application is, accordingly, rejected.

However, the trial court is directed to expedite the trial and conclude the same within one year. The petitioner is



at liberty to renew his prayer for bail after one year if the trial is not concluded by that time.

(Nilu Agrawal, J)

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