

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18354 of 2017

Arising Out of PS.Case No. -106 Year- 2016 Thana -CHIKSAUR District- NALANDA
(BIHARSHARIFF)

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Srikant Yadav @ Srikant Prasad Son of Raja Yadav Resident of Village -
Naugarh, P.S. - Hilsa, District - Nalanda, presently resident of village -
Gulni Bhokila, Bhokalpur, P.S. - Hilsa, District - Nalanda.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyavrat Verma, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 20-06-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
25.10.2016 in connection with Chiksaura P.S. Case No. 106 of
2016 pending in the Court of learned Additional Chief Judicial
Magistrate, Hilsa, District Nalanda registered for the offence
punishable under Sections 147, 148, 149 and 302 of the Indian
Penal Code.

The prosecution case is that informant, who is the wife
of the deceased, Ranvijay Yadav, received information that while
returning home from Hilsa Court, her husband has been assaulted
and has become unconscious. Thereafter, she along with her



family members went to the place of occurrence and with the help of police, got admitted her husband in Hilsa hospital. It is alleged that while her husband gained consciousness, he disclosed that while he was returning from Hilsa Court with his cousin brother and reached near the house of Sudhir Gope, accused persons variously armed started assaulting him saying that you have given statement in Rajeev case and till date you have not withdrawn your case. Thereafter, Sudhir Kumar said that today they will leave the deceased only after killing him, upon which all the accused persons started assaulting him with lathi and rod and when he became unconscious, they went away. During treatment her husband succumbed to the injuries.

It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in the aforesaid case. It has further been submitted that most of the relatives of the informant had seen the occurrence, but had not gone to prevent such occurrence by the accused persons. He further submits that it is not clear who had informed the informant about the said occurrence, which makes whole prosecution story suspicious. He further submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.



Learned counsel for the informant submits that the informant's husband was a witness in the case which was pending in Hilsa Court and due to this there was enmity between the parties. He further submits that the witnesses have supported the prosecution case, hence, opposes the prayer for bail. Learned A.P.P. for the State also opposes the prayer for bail.

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

(Nilu Agrawal, J.)

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