

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41686 of 2017

Arising Out of PS.Case No. -125 Year- 2017 Thana -JHAJHA District- JAMUI

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1. Nageshwar Yadav, Son of Late Shobhan Yadav, resident of Village
Tatwadih, P.S. Jhajha, District- Jamui Petitioner/s

Versus

1. The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha

For the Opposite Party/s : Mr. Sri Mithilesh Kumar Khare

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 03-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
17.05.2017 in connection with Jhajha P.S. Case No. 125 of 2017
for offences punishable under Sections 147, 149, 323, 302 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that on the date of occurrence, eight persons, named in the FIR,
including the petitioner started assaulting his son Surendra Yadav
by means of legs, fists and slaps as a result his son was seriously
injured and during the course of treatment, succumbed to the
injuries.

It has been submitted by the learned counsel for the
petitioner that he is innocent and just because he is the agnate of
the informant and there was a land dispute between the parties, he
has been made accused. He submits that petitioner is an old man



of 60 years. There are general and omnibus allegations against all the accused persons. It is not clear as to on whose assault, the informant's son died. He further 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 stating therein that the petitioner along with others have done to death the informant's son by means of fists, slaps and legs and in the post-mortem report, he is found to have sustained grievous injuries.

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 and, accordingly his such prayer stands rejected in connection with Jhajha P.S. Case No. 125 of 2017 pending before the learned S.D.J.M., Jamui.

However, petitioner will be at liberty to renew his prayer for bail after framing of charge.

(Nilu Agrawal, J)

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