

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41982 of 2018

Arising Out of PS.Case No. -286 Year- 2017 Thana -BIHARIGANJ District- MADHEPURA

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1. Bageshwar Yadav S/o Late Bijendra Yadav, R/o Vill.- Pakilpar, P.S.- Bihariganj, Distt.- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bibhuti Narayan

For the Opposite Party/s : Mr. Sri Mukesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 25-09-2018 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks bail in Bihariganj P.S. Case No. 286/2017, instituted for the offences under Sections 302 and 34 of the Indian Penal Code read with Section 27 of the Arms Act.

There is serious allegation against this petitioner that he along with 15 other persons had brutally killed the husband of informant Chhabilal Yadav. It is alleged in the written report that informant begged to free her husband but the accused persons including the petitioner assaulted her husband indiscriminately on account of which he died.

Post-mortem report is available in case diary which shows that there were two wounds of exit. There were also two



injuries on the head, i.e. lacerated wound of size 2 ½” x 1 ½” x Scalp deep and 1 ½” x 1” Scalp deep. There was also found fracture of right temporal bone, which shows that there were several injuries on the person of deceased due to brutally assaulted by this petitioner and other accused persons.

Learned counsel for the petitioner has submitted that other accused persons have been granted bail vide order dated 02.05.2018 passed in Cr. Misc. No. 19997/2018 and order dated 11.05.2018 passed in Cr. Misc. No. 22437/2018. From perusal of aforesaid order, it appears that post-mortem report was not produced before the Court.

This Court, after looking into post-mortem report of the deceased and the injuries on his person, is not inclined to grant bail to this petitioner. Accordingly, prayer for bail of the petitioner is rejected.

The court below is directed to expedite the trial. The petitioner is directed to renew his prayer for bail after six months in the event no substantive progress is made in trial.

(Sanjay Priya, J.)

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