

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28978 of 2018

Arising Out of PS.Case No. -148 Year- 2017 Thana -MAHKAR District- GAYA

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Sudhir Yadav S/o Shiva Yadav, R/o Village- Jharha, P.S.- Mahkar, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kunwar Narayan Jamuar

For the Opposite Party/s : Sri Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 29-06-2018 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Mahkar Police Station Case No. 148 of 2017 registered for the offences punishable under sections 341, 323, 325, 307, 504/34 of the Indian Penal Code (later on section 302 of the Indian Penal Code was added).

The case has been registered on the basis of written report of informant submitted before the Officer Incharge, Mahkar Police Station alleging *inter alia* that on 8.9.17 this petitioner and six others unlawfully assembled at his house and brutally assaulted the informant and his family members. The allegation against this petitioner is that he assaulted the father of informant on his head as a result of which the injured lost consciousness. He was moved to hospital



where he died during treatment.

It has been submitted that the deceased was an old man aged about 80 years and he died due to other reason, as the injury report and post mortem report do not support the allegation of causing any injury on his head. The petitioner has falsely been implicated in this case and is in custody since 01.11.2017 having clean antecedent.

The learned Additional Public Prosecutor on the other hand opposed the submission.

On perusal of the statement of witnesses recorded during investigation it appears that this petitioner is the main assailant with specific allegation that he caused injury on the head of the deceased by giving lathi blow. The injured lost conscious and he was moved to hospital where he remained unconscious for a month and thereafter he succumbed to injury. The witnesses have further stated that a land dispute was going on between the parties since long and on account of previous enmity, this petitioner has killed the victim.

Considering the nature of allegation, facts and circumstances of the case, I am not inclined to grant bail to the petitioner. The prayer made on his behalf stands rejected.

(Sanjay Kumar, J)

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