

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74874 of 2018

Arising Out of PS. Case No.-97 Year-2017 Thana- TELHARA District- Nalanda

ANIL KUMAR YADAV @ ANIL PRASAD YADAV, S/o Kamat Yadav,
Resident of Village-Mandirsapar, P.S.-Telhara, District-Nalanda.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Rajeev Kumar, Advocate.

For the Opposite Party : Mr. Pradeep Narain Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 22-04-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since 12.07.2017 in a case for the offence registered under Sections 341, 323, 307, 379 and 506/34 of the IPC. Later on, Section 302 of the IPC was also added.

The prosecution story, in brief, is that on 08.07.2017, the husband of the informant, namely, Sudhir Kumar Yadav was going to Ekangarsarai at 9.00 A.M. and when he reached at the door of Sohrai Yadav, in the meantime, Anil Yadav, Sharda Devi, Manju Devi came there armed with Lathi, Danda and surrounded her husband. Thereafter, accused Anil Yadav given Lathi blow on the head of her husband on which he sustained serious injury and blood was oozing from head. On alarm,



informant and her mother-in-law reached there to rescue. Thereafter, accused Uday Yadav assaulted the informant on head as a result she became senseless. Accused Sharda Devi and Manju Devi assaulted her mother-in-law on her head, she became injured. In course of assaulting, accused Anil Yadav took Rs. 5,000/- from the pocket of husband of the informant. On hulla, villagers assembled there and the accused persons fled away. All the injured persons referred to P.M.C.H., Patna, and in course of treatment, husband of the informant died.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. There is no substantive evidence to suggest the implication of the petitioner in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. There is specific allegation against the petitioner for causing Lathi blow on the head of the deceased. The postmortem report also corroborates the allegation made in the F.I.R. The fatal injury is said to have been caused by the petitioner.



Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Sessions Trial No. 633 of 2017, arising out of Telhara P.S. Case No. 97/17, pending in the court of learned 3rd Additional Sessions Judge, Hilsa, Nalanda.

The court below is directed to take all necessary steps to expedite the trial taking into account the fact that the petitioner is in custody for about two years.

(Sudhir Singh, J)

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