

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50727 of 2019

Arising Out of PS. Case No.-35 Year-2019 Thana- JAMHOR District- Aurangabad

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1. Pramod Yadav, aged about 45 years (Male),
2. Mantu Yadav, aged about 36 years (Male)
Both sons of Madheshwar Yadav R/o village- Gigna, Via-Gigna, P.S.-
Jamhor, District- Aurangabad

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Rajiv Kumar Singh,
Mr. Shashi Bhushan Kumar, Advocates
For the State : Mr. Ramchandra Singh, APP
For the Informant : Ms. Rupa Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 20-11-2019 Heard Mr. Rajiv Kumar Singh, learned Advocate for

the petitioners, Ms. Rupa Kumari, learned Advocate for the

informant and Mr. Ramchandra Singh, learned APP who has

rendered assistance on behalf of the State.

The petitioners seek bail in connection with Jamhor

P.S. Case No. 35 of 2019 instituted for the offences under

Sections 147, 148, 149, 341, 323, 325, 307 and 302 of the

Indian Penal Code and Section 27 of the Arms Act.



The petitioners are alleged to have assaulted the brother of the informant, who ultimately died while being taken to the hospital. The dispute took place on the objection of the deceased in stopping the construction of a toilet tank in the field of the informant. There are other allegations also but those are with respect to resorting to firing at the house of the informant.

Learned Advocate for the petitioners submits that there is no specific accusation and the deceased is said to have been assaulted by four of the accused persons, two being the petitioners. He has further submitted that the occurrence took place at two places; one in the field where toilet tank was being constructed; and the other at the house of the informant. The purpose for bringing this fact to the notice of this Court is to demonstrate that the petitioners did not have any intention to kill the deceased. It has further been submitted that it is quite fortuitous that the deceased died of the injuries suffered by him.

The post mortem report which has been placed before this Court mentions stitched wound on the right



temporal region of the deceased. It cannot actually be ascertained as to how many injuries the deceased had suffered because primary treatment was afforded to the deceased.

However, considering the fact that the petitioners are persons who are alleged to have assaulted the deceased by means of iron rod along two other persons which injuries led to the death of the deceased, I am not inclined to grant bail to the petitioners for the present.

The petition is rejected.

(Ashutosh Kumar, J)

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