

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52991 of 2019

Arising Out of PS. Case No.-66 Year-2018 Thana- SHANKARPUR District- Madhepura

Khushendra Yadav Son of Late Hariballabh Yadav Resident of Village-
Raibhir Ward No.11, Police Station-Shankarpur, District-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

4 04-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Shankarpur
P.S. Case No. 66 of 2018 registered for the offence punishable
under Section 302/34 of the Indian Penal Code.

On the exhortation of co-accused Lukhiya Devi,
petitioner is said to have assaulted on the head of the father of
the informant by means of rod repeatedly and father of the
informant succumbed to injury during course of treatment.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. He has been
falsely implicated in this case due to dirty village politics. FIR
has been sent to the court below after five days without



assigning any plausible explanation for the said delay, which creates serious doubt about the prosecution case. No motive behind the occurrence has been attributed to the petitioner. Petitioner has no criminal antecedent and has been languishing in custody since 16.06.2018, hence, he may be enlarged on bail.

On the other hand, learned counsel for the informant and learned APP for the State opposing the bail prayer of the petitioner submitted that there is specific allegation against the petitioner of assaulting the father of the informant by means of rod repeatedly, which proved fatal. Informant in his further statement and witnesses have supported the occurrence. Doctor conducting autopsy of the cadaver of the deceased has also found one injury on the head and another on the neck of the deceased. All the charge-sheeted witnesses and doctor have been examined by the prosecution and only I.O. is left to be examined, hence, the petitioner does not deserved bail.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer is rejected.

However, learned court below is directed to conclude the trial as expeditiously as possible preferably within three months from the date of receipt/production of a copy of



this order and S.P. Madhepura is directed to ensure production of the witnesses in the case on each and every date fixed without fail.

Let a copy of this order be communicated to S.P. Madhepura by fax for needful.

(Prakash Chandra Jaiswal, J)

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