

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5215 of 2019

Arising Out of PS. Case No.-189 Year-2018 Thana- NARPATGANJ District- Araria

Manish Kumar Yadav @ Manish Kr. Yadav @ Munna @ Manish Yadav, S/O
Late Kameshwar Yadav, Resident of Village-Fatehpur, Ward No-12, P.S.-
Narpatganj Dist-Araria.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr.Kundan Kumar Singh, Advocate.
For the Opposite Party : Mrs.Suman Kumari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 23-04-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
11.04.2018 in a case for the offence registered under Section
302 of the I.P.C.

The prosecution story, in brief, is that on 07.04.2018
at 6.00 A.M. in the morning, the husband of the informant
Kameshwar Yadav, was at his home and hot talk started with
respect to the land in between her son Manish Kumar Yadav
(petitioner) and deceased Kameshwar Yadav and in due course,
Manish Kumar Yadav having piece of bricks in his hand gave
2-3 times bricks blow on the head of her husband with intent to
kill him causing head injury and bleeding and he became
unconscious and fell down. The villagers came at the place of



occurrence and then Manish Kuamar Yadav fled away. The injured Kameshwar Yadav died on the way to hospital.

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. No deadly weapon is alleged to have been used in course of occurrence. In course of occurrence, due to brick-batting, the deceased is said to have sustained injury.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. The allegation is supported by postmortem report.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected at this stage in connection with Narpatganj P.S. Case No. 189/2018, G.R. 953/2018, pending in the court of learned C.J.M. Araria.

(Sudhir Singh, J)

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