

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80172 of 2018**

Arising Out of PS. Case No.-377 Year-2018 Thana- SUGAULI District- East Champaran

Radha Yadav, s/o Late Mahadeo Yadav, Resident of Sugauli Kanu Tola, Ward
No. 15, P.S. Sugauli, Dist- E. Champaran.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Dhannjay Kumar No 2, Advocate.
For the Opposite Party : Mr. Anant Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

5 22-04-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
10.09.2018 in a case for the offence registered under Sections
341, 323, 379, 302, 504 and 506/34 of the IPC.

The prosecution story, in brief, is that on 08.09.2018
at about 5.00 hours, the informant was sitting at her door
alongwith her husband Ramagya Rai and she was doing
domestic work, in the meantime, the accused pesons including
this petitioner came there and abused the informant in filthy
language. When the informant raised objection, the accused
persons assaulted her by Lathi and Danda and accused Kailashi
Devi snatched gold chain from her neck. When the informant's
husband Ramagya Rai came in rescue, accused persons



assaulted him by Lathi, Danda and when he fell down, co-accused Rambabu Yadav, Lalbabu Yadav and this petitioner-accused Radha Yadav put Lathi on the neck of the informant's husband Ramagya Rai and pressed the same, due to which, he died. The reason of the occurrence is that the accused persons want to grab land of the share of informant's husband.

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. General and omnibus allegation has been made against the petitioner. No overt act has been alleged against the petitioner. The petitioner happens to be the father of the deceased.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. Accused persons including the petitioner is said to have assaulted the deceased with Lathi. The post mortem report also corroborates the allegation made in the F.I.R. Injury is said to have been caused by hard and blunt substance. The informant is the wife of the deceased and daughter-in-law of 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 Sugauli P.S. Case No. 377/2018, pending in the court of learned C.J.M., Motihari, East Champaran.

The court below is directed to take all necessary steps to conclude the trial preferably within a period of one year from the date of receipt/production of copy of this order.

The District Magistrate, Motihari, East Champaran and the Superintendent of Police, Motihari, East Champaran, are also directed to ensure that the prosecution witnesses are produced in the court below on the date fixed by the court below so that the trial could be concluded within the stipulated period.

Let a copy of this order be communicated to the District Magistrate, Motihari, East Champaran and the Superintendent of Police, Motihari, East Champaran.

(Sudhir Singh, J)

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