

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3214 of 2020

Arising Out of PS. Case No.-68 Year-2019 Thana- BELDOUR District- Khagaria

SUCHIT YADAV Son of Late Laxmi Yadav Resident of Village - Pirnagra,
P.S.- Beldaur, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh

For the Opposite Party/s : Mr. Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 25-08-2020 Heard both sides.

The matter has been taken up through video conferencing.

The petitioner seeks bail in Beldaur P.S. case No. 68/2019 registered u/s 147, 341, 323, 307, 302, 504, 506 of the IPC.

The informant, brother of the deceased, in his statement disclosed that while he and his brother were coming to their house on a tractor loaded with bamboo and when they reached near the house of Mithilsesh Yadav, Barun Yadav, Arun Yadav, Suchint Yadav, the petitioner, all son of Laxmi Yadav, Kiran Yadav, Ajay Yadav and Dilip Yadav got the tractor stopped and on the order of Barun Yadav, Barun Yadav and other accused persons indiscriminately assaulted the deceased, Babloo Yadav. Babloo Yadav died on the spot.

The learned counsel for the petitioner submits that there is no specific allegation of assault against the petitioner. The informant is the only eye witness of the occurrence and it



would appear from perusal of the case diary that save and except the informant other witnesses are hearsay witnesses and they have only said that they heard about the occurrence. It is further submitted that during the course of investigation in paragraph 56 of the case diary the Dy. S.P. found that the deceased had illicit relation with wife of Barun Yadav @ Lal Jha and on account of this the occurrence took place. It is submitted that witnesses in paragraph 70 and 71 and other paragraphs of the case diary stated that the deceased had illicit relation with the wife of Barun Yadav and it was the motive for the occurrence. It is further submitted that the informant in the FIR disclosed that they were carrying bamboo on their tractor and the deceased died due to accident on account of injury received from the bamboo loaded on the tractor and due to enmity the accused persons, including the petitioner, have falsely been implicated in the case. The petitioner is an old man aged about 70 years and he is in custody since 18.09.2019.

The learned APP, however, opposed the prayer for bail.

Having heard the both sides and on perusal of the case diary, it appears that informant, who is an eye witness of the occurrence, very categorically alleged that six persons intercepted the tractor and on the order of Barun Yadav, Barun Yadav and other accused persons, including the petitioner, indiscriminately assaulted Babloo Yadav. Babloo Yadav died on the spot. Of course, during the course of investigation firstly the Dy S.P. came to know from his own sources as he has not disclosed the name of any witness that the deceased had illicit relation with the wife of Babloo Yadav. Thereafter, the I.O. recorded the statement of two witness but from perusal of post



mortem report it appears that the deceased got seven injuries and the doctor opined that death is caused due to shock and hemorrhage on account of the aforesaid injuries. It appears that petitioner and others indiscriminately assaulted the deceased causing his death on the spot.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on bail, at this stage. Accordingly, the same is rejected.

The trial court is directed to hold the trial on day to day basis and conclude the same within one year from the receipt of this order.

The Superintendent of Police, Khagaria is directed to ensure the attendance of prosecution witnesses in the trial court so that the trial must be concluded within one year.

Let a copy of this order be sent to the trial court and Superintendent of Police, Khagaria for information and needful.

If the trial is not concluded within one year, the petitioner, if so advised, may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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