

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.11737 of 2020**

Arising Out of PS. Case No.-74 Year-2019 Thana- SASARAM MUFFSIL District- Rohtas

JAI PRAKASH YADAV @ PRAKASH YADAV Son of Late Ram Talika  
Singh Resident of Village - Dhankada, P.S.- Sasaram (M), Distt.- Rohtas.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

**Appearance :**

|                    |   |                                    |
|--------------------|---|------------------------------------|
| For the Petitioner | : | Mr. Sanjay Kumar Tiwary, Advocate. |
| For the State      | : | Ms. Rita Verma, A.P.P.             |
| For the Informant  | : | Ms. Arti Kumari, Advocate.         |

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR  
MISHRA**

ORAL ORDER

3      15-06-2020                      Heard learned counsel for the petitioner and the learned A.P.P. for the State and the learned counsel for the informant through Video Conferencing.

The petitioner seeks bail in connection with Sasaram (M) P.S. Case No.74 of 2019 registered under Sections 341, 323, 307, 504, 379/34 and, later on, added Section 302 of the Indian Penal Code, pending in the court of the Chief Judicial Magistrate, Rohtas at Sasaram.

The accusation is that on 07.03.2019 at about 09.30 A.M., the petitioner Prakash Yadav alias Jai Prakash Yadav along with his brother Keshav Yadav came at the door of the informant Tetra Devi and called her husband Ram Swaroop Yadav in abusive language. When the husband of the informant



came out of the house, he was taken by them in a lane, where they started to cause assault to him. On hearing 'Hullah', Lalita Devi, the wife of the petitioner, and Madodra Devi armed with Danda and Raami (iron instrument) came there and handed over the same to the petitioner and Keshav Yadav. Thereafter, the petitioner gave the Raami blow at the head of the husband of the informant, then he fell down. Thereafter, Keshav Yadav started to cause assault to the husband of the informant through Danda. On hearing 'Hullah', several persons rushed there. At that time, Lalita Devi snatched the gold ornaments of the daughter of the informant. The cause of occurrence is said to be the dispute relating to the path.

Learned counsel appearing on behalf of the petitioner submits that, initially, on the basis of the fardbeyan of the informant, the present case was lodged under Sections 341, 323, 307, 504 and 379/34 of the Indian Penal Code but after the death of the husband of the informant, after 50 days of the occurrence, Section 302 of the Indian Penal Code was also added in this case. Further submission is that while the head injury was found in the post-mortem report of the deceased, the husband of the informant, which is said to be caused by this petitioner but the deceased, the husband of the informant, died



50 days of the occurrence. More so, it would appear from the F.I.R. that the cause of occurrence is said to be the dispute relating to the path. The petitioner is in custody since 17.09.2019.

Having regard to the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant bail to the petitioner for the present. Accordingly, the prayer of the petitioner for grant of bail stands rejected for the present.

**(Rajendra Kumar Mishra, J)**

P.S./-

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