

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.14837 of 2020**

Arising Out of PS. Case No.-123 Year-2019 Thana- CHANDAUTI District- Gaya

Naresh Yadav Son of Rambhajan Yadav Resident of Village - Lalganj, P.S.-  
Chandauti, Distt - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr.Prem Kumar Jha, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

4      29-06-2020                      Heard learned counsel for the petitioner and learned  
APP for the State through video conferencing.

The petitioner who is in custody since 18.11.2019 has filed the instant application for grant of regular bail in connection with Chandauti P.S. Case no. 123 of 2019 registered under sections 341, 323, 307, 325, 379, 504 and 34 of the Indian Penal Code to which section 302 of the IPC was added subsequently.

As per allegation in the FIR, it is stated by the informant that while he along with one Ajit Kumar were returning on their motorcycle, Naresh Yadav, the petitioner, Chunmun Yadav and 10 others asked them to stop, abused them and thereafter it is stated that the petitioner and Chunmun Yadav assaulted with lathi as a result of which Ajit Kumar sustained



injuries on his head. He was taken to the hospital for treatment. The aforesaid Ajit Kumar died in course of treatment and section 302 of the Indian Penal Code was added.

It is submitted by learned counsel for the petitioner that the allegation as levelled in the FIR are false and concocted. It is further submitted that from perusal of the copy of the wedding invitation card of the daughter and son of the informant, which has been printed on the same card (Annexure 2 to the petition) it would transpire that the petitioner was in the wedding ceremony of his daughter. It is further submitted that Pankaj Kumar and Ankit Kumar whose statement have been recorded during course of investigation have stated about firing by some antisocial element and them giving effect to the occurrence. It is submitted that the informant and others sustained injury in a motorcycle accident and the same has not been narrated in the FIR. The petitioner has no criminal antecedent and is in custody since 18.12.2019.

The application for bail is opposed by learned APP for the State who submits that the petitioner is named in the FIR, there is direct allegation of overt act against him and he is the assailant of the deceased.

Having heard learned counsel for the parties and



considering the facts and circumstances of the case, it transpires that there is direct allegation against the petitioner of having assaulted Ajit Kumar with lathi as a result of which he sustained injury on head. Further, from perusal of the postmortem report incorporated in the case diary, it transpires that the same supports the allegation made in the FIR.

In view of the aforesaid facts and circumstances, the Court is not inclined to enlarge the petitioner on bail and as such his application for bail is rejected.

**(Partha Sarthy, J)**

Prakash/-

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