

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26355 of 2020**

Arising Out of PS. Case No.-120 Year-2018 Thana- SONO District- Jamui

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MOHAN YADAV S/o Late Mahavir Yadav Resident of Village-Lahthara,
P.S.-Sono, District-Jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sinha

For the Opposite Party/s : Ms.Anita Kumari Singh

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 13-10-2020

The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioner and Ms. Anita Kumari Singh, the learned APP for the State.

The present petition is by way of second attempt at the behest of the petitioner for grant of bail in connection Sono PS case no. 120 of 2018 under Section 147, 148, 149, 307, 302/120(B) of Indian Penal Code, inasmuch as the earlier bail petition filed by the petitioner for grant of bail has stood dismissed by a Co-ordinate Bench of this Court vide order dated 08.08.2019, passed in Cr. Misc. no. 34975 of 2019.

The prosecution story in brief is that on the date of occurrence, the petitioner assaulted the father of the



informant with axe on his temporal region on account of which, he became unconscious and fell down. Thereafter, he again assaulted the father of the informant on his leg with axe. It is further alleged that when brother of the informant namely Raju Yadav came to save his father, then co-accused Pappu Yadav, Nandu Yadav and Congress Yadav assaulted his brother brutally with iron rod and *lathi* etc. on account of which, he sustained injuries in his right hand and head, as a result of which he fell down and became unconscious.

The learned counsel for the petitioner has submitted that though the petitioner is languishing in custody since 18.12.2018, but the case has not yet been committed for trial, hence the petitioner be granted the privilege of bail. It is further submitted that even on merits, the petitioner is innocent and has not committed any offence.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the fact that a co-ordinate Bench of this Court vide order dated 08.08.2019 has already come to a finding that the petitioner is the main assailant and the



injury inflicted on account of the assault made by the petitioner has also stood corroborated by the post-mortem report as well as there is no change in the circumstances *qua* the factual aspect of the matter so as to persuade this Court to come to a different conclusion, this Court finds that there is no reason so as to re-consider the prayer of the petitioner for grant of bail, hence the present petition stands dismissed, however with a direction to the learned trial court to commit the case to the Court of Sessions for trial forthwith, in case the case has not yet been committed.

(Mohit Kumar Shah, J)

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