

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28806 of 2020

Arising Out of PS. Case No.-95 Year-2019 Thana- HASPURA District- Aurangabad

NAGESHWAR SINGH @ SUBA YADAV Son of Late Ramsawroop Yadav
Resident of Village-Dihuri, P.S.-Haspura, District-Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh

For the Opposite Party/s : Mr. Zainul Abidin, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 17-12-2020 The learned counsel for the parties were heard at length on 15.12.2020 and the instant case has been listed today (17.12.2020) under the heading “For Orders”.

The petitioner seeks regular bail in connection with Haspura P.S. Case No. 95 of 2019 for the offence punishable under Sections 341, 323, 324, 307, 504, 506/34 and 302 of the Indian Penal Code.

The case of the prosecution in brief is that on 24.07.2019 while the informant was working in his field, his co-villager Subhash Singh and the petitioner herein as also one Bipin Kumar had arrived there, whereafter, the petitioner is alleged to have abused the informant and had then inflicted a Khanti blow on the head of the informant. It is also alleged that the co-accused person had also inflicted spade blow on the neck



of the informant. It is further alleged that the informant had then become seriously injured, had fallen down and blood had started oozing out profusely. Subsequently it appears that the informant had succumbed to his injuries.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 01.10.2019. The learned counsel for the petitioner has further submitted that the injuries sustained by the deceased are simple in nature and it appears that the deceased died on account of him not receiving proper treatment.

Per contra, the learned APP appearing for the State has vehemently opposed the prayer for regular bail, made by the petitioner.

Having considered the submissions made by the learned counsel for the parties and taking into account the materials available on record as also those available in the case diary, the complicity of the petitioner in the alleged occurrence is writ large on the records and moreover, there is specific allegation of assault qua the petitioner herein, which further stands corroborated by the post-mortem report, hence, prima



facie a case is definitely made out against the petitioner herein, thus I do not find any merit in the case of the petitioner for grant of bail, especially in view of the fact that the petitioner is alleged to have committed a heinous crime of having murdered the deceased, consequently, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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