

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77046 of 2019

Arising Out of PS. Case No.-43 Year-2019 Thana- LAHERIYASARAI District- Darbhanga

RAJA YADAV Son of Late Chaudhary Yadav, Resident of Village - Amanda,
P.S.- Laheriyasarai, Distt.- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra

For the Opposite Party/s : Mr.Renuka Ratnakar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 16-03-2020 Heard both sides.

Petitioner seeks bail in Laheriyasarai P.S. Case No.43
of 2019 registered under Sections 302 and 34 of the IPC.

The mother of the deceased alleged that while her son
was coming, the petitioner pushed her son and caught him and
thereafter Heera Yadav slit the neck of her son. When the
informant went to save, the petitioner is alleged to have inflicted
dagger blow in the abdomen of her son. Consequently, the son
of the informant died.

Learned counsel for the petitioner submits that the
informant claimed herself to be the eye witness of the
occurrence. She made allegation that the petitioner firstly
pushed her son. Consequently, her son fell down and thereafter
Heera Yadav slit the neck of the son of the informant. She



further alleged that the petitioner inflicted dagger blow in the abdomen of the deceased but from perusal of the latter part of the F.I.R., it would appear that the informant is not an eye witness of the occurrence. She suspected the hands of many other persons in killing of her son on account of non-payment of consideration amount for purchasing a piece of land. The petitioner is in jail for last one year.

Learned A.P.P. as well as learned counsel for the informant submit that there is a specific allegation against the petitioner that while the son of the informant was returning to his house, the petitioner pushed and caught him and Heera Yadav slit the neck of the deceased and petitioner inflicted dagger blow in the abdomen of the deceased. The son of the informant succumbed to the injury. The informant is an eye witness of the occurrence. Besides the informant, the other witnesses have also supported the factum of the occurrence.

It appears from perusal of the F.I.R. as well as the case-diary that there is a specific allegation against the petitioner that while the son of the informant was returning to his house, the petitioner pushed and caught him and Heera Yadav slit the neck of the deceased and petitioner inflicted dagger blow in the abdomen of the deceased. Consequently, the



son of the informant died.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

Since the petitioner is in jail for last one year, the Judicial Magistrate, who is in seisin of the case, is directed to commit the case to the Court of Sessions forthwith and on such, the learned Sessions Judge or the Court in seisin of the case shall make all efforts for holding trial on day to day basis and conclude the same within one year from the date of receipt of this order.

The S.P., Darbhanga is directed to ensure the presence of the prosecution witnesses during course of trial so that the trial must be concluded within one year.

(Prabhat Kumar Jha, J)

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