

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74016 of 2019

Arising Out of PS. Case No.-181 Year-2019 Thana- RAMPUR District- Gaya

ANIL YADAV @ BUDHAN YADAV Son of Sri Ram Saran Yadav Resident
of Mohalla - Gewal Bigha, Gewal Toli, P.S.- Rampur, District - Gaya.

... .. Petitioner.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. Navin Kumar, Advocate.
For the State	:	Mr. Lalan Kumar, A.P.P.
For the Informant	:	Mr. Mukesh Kumar, Advocate.

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

ORAL ORDER

4 19-03-2020 Heard learned counsel for the petitioner and the
learned A.P.P. for the State as also the learned counsel for the
informant.

The petitioner seeks bail in connection with Rampur
P.S. Case No.181 of 2019 registered under Sections 341, 323, 504,
325 and 302/34 of the Indian Penal Code, pending in the court of the
Chief Judicial Magistrate, Gaya.

The accusation is that when the informant Mungeshwari
Devi along with her son Sunny Kumar Yadav was going to offer
'Puja' at Vishnupath Temple and reached near Samudayik Bhawan,
at that time, Anil Yadav alias Budhan Yadav (petitioner), Lala Yadav,
Vishal Yadav, Girja Devi and the mother of Vishal Yadav variously
armed with weapon came there. Thereafter, this petitioner gave the
iron rod blow at the head of Sunny, the son of the informant, due to
which he received blood oozing injury on his head and he fell down.



Girja Devi and Vishal Yadav caused assault at the head of Sunny by pelting bricks, whereas Lala Yadav caused assault at his body through 'Danda' and the mother of Vishal caused assault to him at his chest by pelting stone. Consequently, Sunny Kumar Yadav, the son of the informant, died.

Learned counsel appearing on behalf of the petitioner submits that while the allegation against the petitioner has been made in the F.I.R. to cause blood oozing injury at the head of the deceased Sunny Kumar Yadav, the son of the informant, through iron rod but no injury was found on his head rather the injury was found near his right eye and other parts of his body. There is also fracture injury on the chest of the deceased, which is attributed to the mother of Vishal. Further submission is that the petitioner is in custody since 26.07.2019.

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. Accordingly, the prayer of the petitioner for grant of bail stands rejected. However, the petitioner would be at liberty to renew his prayer for bail after framing of the charge.

(Rajendra Kumar Mishra, J)

P.S./-

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