

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.84454 of 2019**

Arising Out of PS. Case No.-204 Year-2019 Thana- LAXMIPUR District- Jamui

**BANKE YADAV S/o Gohi Yadav Resident of Village- Sansarpur, P.S.-
Gidhaur, Distt- Jamui.**

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Ram Sumiran Rai, Advocate
For the Opposite Party/s :	Mr.Dilip Kumar No. 1, A.P.P.
For Informant :	Mr. Prabhat Ranjan Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 27-05-2020 This application has been placed for consideration

by the order of the Hon'ble the Chief Justice through virtual

court proceeding.

Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

Petitioner in the present case is seeking regular bail in
connection with Laxmipur (Gidhour O.P) P.S. Case No. 204 of
2019 registered for the offences punishable under Sections 147,
149, 341, 323, 324, 307, 504 of the Indian Penal Code and
subsequently Section 302 I.P.C. has been added.

Learned counsel for the petitioner submits that the
petitioner and the informant's side are own gotiyas and the
alleged scuffle between the parties took place when the
informant's side was digging a hole in the field of the



petitioner's side. It is submitted that in fact it is the assault caused by the informant's side which hit the deceased and ultimately proved fatal.

Learned counsel for the petitioner has also drawn the attention of this Court towards Annexure '2' which is a copy of the F.I.R. dated 12.07.2019 lodged by the petitioner's side in respect of the alleged occurrence which had taken place on 07.07.2019.

Learned counsel submits that in the First Information Report there is no specific allegation against the petitioner that he had assaulted Pawan Yadav. It is thus, submitted that the petitioner having remained in custody since 15.06.2019, may be released on bail at this stage.

On the other hand, learned A.P.P. for the State as well as learned counsel for the informant have opposed the prayer for regular bail of the petitioner. Attention of this Court has been drawn towards the statements of the witnesses particularly the injured witnesses available in the case diary in paragraph '2', '8', '85' and '87' where it has been stated by the the witnesses that this petitioner had given first assault on Pawan Yadav by his sword which had ultimately proved fatal as Pawan Yadav succumbed to the injures caused on vital part of his body.



Considering the facts and circumstances of the case particularly the statement of witnesses and the injured witnesses available in the case diary making specific allegation against this petitioner of having given the assault on the head of the deceased by a sword which ultimately proved fatal and the injured Pawan Yadav died, the gravity of the offence and the nature of weapon used by the petitioner, I am not inclined to grant regular bail to the petitioner. Prayer for bail is, thus, refused.

This application for regular bail is dismissed.

(Rajeev Ranjan Prasad, J)

vats/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During the Pandemic Period'.

