

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No. 32194 of 2021

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

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MOHAN YADAV Son of 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. Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 18-08-2021 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

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

The present petition is by way of third attempt at the behest of the petitioner for grant of bail in connection with Sono PS case no. 120 of 2018 under Sections 147, 148, 149, 307, 302, 120B of Indian Penal Code, inasmuch as the earlier prayers of the petitioner for grant of bail have stood dismissed, once by a co-ordinate Bench of this Court vide order dated 08.08.2019,



passed in Cr. Misc. no. 34975 of 2019 and again by this Court vide order dated 13.10.2020, passed in Cr. Misc. no. 26355 of 2020.

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, however the other co-accused persons have already been granted bail.

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

I have heard the learned counsel for the parties, from



which it is apparent that the petitioner is the main assailant and the injury inflicted on account of assault made by the petitioner has stood corroborated by the post-mortem report and moreover, there is no change in circumstance from the day, the prayer of the petitioner for grant of bail was rejected last vide order dated 13.10.2020, till date, hence there is no occasion to re-consider the prayer of the petitioner for grant of bail, thus the present petition stands dismissed.

(Mohit Kumar Shah, J)

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