

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 1313 of 2021**

Arising Out of PS. Case No.-58 Year-2020 Thana- CHANDAN District- Banka

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RAJESH YADAV SON OF KHIRO YADAV RESIDENT OF VILLAGE-
KUMHARADIH, PS- CHANDAN (ANANDPUR), DISTRICT- BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Praveen Kumar, Advocate

For the Opposite Party/s : Mr Ram Anurag Singh, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 21-06-2021 This case has been taken up today for consideration
through Video Conferencing.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Chandan (Anandpur)
Police Station Case No 58 of 2020 initially instituted for the
offence punishable under Sections 341, 323, 307, 504, 506 of
Indian Penal Code (for brevity, *IPC*) but later on added with
Section 302 of IPC.

It is alleged that the informant's husband has been
called by the petitioner. The informant, thereafter, has learnt
that the petitioner is assaulting her husband. She rushed to the
place of occurrence in another village where she found



petitioner assaulting her husband.

Petitioner's counsel submits that the prosecution story, as narrated, is highly improbable. Further submission is that the informant claims to be eye witness. However, she has not stated that the petitioner was carrying any lethal weapon. For six days, her injured husband was under treatment. However, the statement of the injured has not been recorded. The independent witnesses have supported that there is subsisting dispute regarding partition of lands between the deceased and petitioner who are *Gotiyas*. Under such circumstances, petitioner has been falsely implicated in this case and is in custody since 27.04.2020.

The learned APP for the State has opposed the prayer for bail. It is submitted that from perusal of the case diary, it is apparent that statement of the injured (deceased) could not be recorded as he was not in a condition to give statement on account of several injuries sustained for which he was under treatment at Deoghar and, thereafter, referred to Patna. The informant has stated about the assault as an eye witness and the victim has died as a result of physical injuries which has been recorded in the post mortem report.

Considering the rival submissions, this Court is not



inclined, for the present, to grant bail to the petitioner. The same is rejected.

(Madhuresh Prasad, J)

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