

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4523 of 2021

Arising Out of PS. Case No.-208 Year-2020 Thana- RAGHOPUR District- Supaul

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Bijendra Yadav @ Bijendra Prasad Yadav, Son of Late Motilal Yadav,
Resident of Ward No. 12 Imamganj Phenglass, P.S.- Raghopur, Distt.- Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nagendra Kumar Singh, Advocate
For the Opposite Party/s : Ms. Arpana Kumari, Advocate
Ms. Anita Kumari Singh,APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 14-07-2021 The matter has been taken up today for consideration
through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

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

The petitioner seeks bail in connection with
Raghopur P.S. Case No.208 of 2020 registered for the offence
punishable under Sections 341, 323, 324, 325, 307, 379, 504,
506/34 of the Indian Penal Code, in which subsequently Section
302 I.P.C. has also been added.



Informant's son, as per the prosecution case, has been killed by the injuries sustained upon his head, which have been attributed to the petitioner. The motive is that part of the tree, which has been cut, has fallen near the petitioner's *Darwaja* and when the informant's son had gone to collect the tree, he has been assaulted along with all other members of the family.

It is submitted by the petitioner's counsel that for a trivial dispute regarding cutting of tree, a free fight has taken place between the parties and in the process the informant's son has been injured, leading to his death. Having no criminal antecedents, the petitioner is in custody since 09.09.2020.

Learned APP for the State has opposed the prayer for bail. He submits that there is specific allegation of assault by *Farsa* on the head of the victim. As per the inquest report found in the case diary and as per the post-mortem report, xerox copy of which has been supplied by the petitioner in the supplementary affidavit, death has occurred owing to the head injury. Petitioner is the author of the said injury.

Considering the rival submissions, this Court, for the present, is not inclined to allow the petitioner's prayer for bail. The same is rejected.



This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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