

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5916 of 2021

Arising Out of PS. Case No.-28 Year-2020 Thana- NARPATGANJ District- Araria

Kewal Yadav, Son of Puhup Lal Yadav, Resident of Village-Bela, Ward No.8,
P.S.- Narpatganj, District-Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr.Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 02-08-2021 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
Narpatganj (Basmatiya) P.S. Case No.28 of 2020 (G.R. No.249
of 2020) registered for the offence punishable under Sections
147, 148, 149, 341, 342, 323, 324, 307, 354(B), 448, 504,
364(A), 365, 379 of the Indian Penal Code and Section 27 of the
Arms Act, which is pending in the court of the learned C.J.M.,



Araria.

Prosecution case is that the instant petitioner along with others confined two Nepali nationals and assaulted them. Informant has gone to the petitioner's house on hearing the noise where he has also been assaulted by '*Dabiya*' by the instant petitioner. The other inmates of the house have assaulted the other prosecution party. It is alleged that earlier the petitioner is accused in the murder case of the informant's father and therefore the petitioner has also expressed threat and apprehension. The petitioner is in custody since 23.01.2020.

Case diary was earlier called for. Referring to paragraphs 55 and 56 of the case diary i.e., the statements of two Nepali nationals recorded therein as well as the injury report in respect of the injuries sustained by the informant, learned APP for the State has opposed the prayer. It is submitted that the informant has sustained injury. There is direct allegation of assault against the petitioner, who is accused in six more cases, as per the disclosure made in paragraph 3 of the bail petition.

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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