

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8431 of 2021

Arising Out of PS. Case No.-50 Year-2020 Thana- SINGHESHWAR District- Madhepura

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DHIRENDRA YADAV @ PINTU YADAV @ PINTU S/O LATE
GULABCHAND YADAV R/O VILLAGE-SATOKHAR, WARD NO.08,
P.S-SINGHESHWAR, DISTRICT-MADHEPURA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate
For the State	:	Dr. Ajeet Kumar, APP
For the Informant	:	Mr. Dinesh Prasad Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 09-07-2021 Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel for the informant

through video conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with Singheshwar P.S. Case
No. 50 of 2020 registered under sections 302, 120B and 34 of
the Indian Penal Code.

As per allegation in the F.I.R., it is stated that the son
of the informant eloped on 26.2.2020 with a girl belonging to
the accused side. On 27.2.2020, the eleven named accused
persons including the petitioner herein came variously armed,
entered into the house of Sadanand Yadav. Although, the family
members of Sadanand Yadav fled, the accused entered with
arms and property was destroyed. It is, thereafter, stated that



they caught hold up of Mahanand Yadav and tied him up. Subsequently, on the accused persons not accepting the instructions of the police personnel, the Commando had to be called in to settle the matter. Mahanand Yadav was taken for treatment. On 29.2.2020, on hearing about the condition of Mahanand Yadav being precarious, it is stated that the informant along with his mother and others started for the hospital, but on the way they were once again confronted by the accused persons including the petitioner herein. They were assaulted as a result of which on being taken to the hospital, his mother was declared dead.

It is submitted by learned counsel for the petitioner that the allegations and the manner of occurrence as narrated in the F.I.R. are false and incorrect. Even accepting the allegations for the sake of argument, no specific overt act has been alleged against this petitioner. Referring, in detail, to paragraph nos. 6, 7, 18, 21, 33, 67 and 68 of the case diary, it is submitted that witnesses who were close to the alleged place of occurrence saw no such occurrence taking place. It is submitted that the injuries have been caused due to motorcycle accident leading to death of the informant's mother. There is no specific allegation against the petitioner and no independent witness has supported the



allegations. The petitioner is in custody since 6.10.2020 and has no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant, who submits that there is direct allegation against the petitioner along with others of having committed the occurrence one after the other ultimately leading to the death of the informant's mother.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the petitioner being named in the F.I.R., he having actively participating in the occurrence on all dates including the one leading to the death of the informant's mother together with the contents of the postmortem report as per which, the cause of death was haemorrhage and shock due to result of the injury caused by hard and blunt substance, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

The learned Trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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