

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3016 of 2022

Arising Out of PS. Case No.-8 Year-2021 Thana- CHAKAI District- Jamui

=====

Birendra Yadav S/o Ropu Yadav Resident of Village- Manjhitadh, P.S.-
Chakai and District- Jaumi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Akash Raj

For the Opposite Party/s : Mr. Nityanand

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 28-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Chakai
P.S. Case No. 08 of 2021, registered for the offences
punishable under Sections 302 and 34 of the Indian Penal
Code.

The prosecution case as emerging from the FIR is
that the mobile of the son of the informant was taken by the
accused-petitioner and when informant's son asked for his
mobile, he refused. Thereafter, other family members came
and started assaulting informant's son and when the
daughter of informant, Tinik Kumari came to save his



brother, the petitioner assaulted her by bricks over her breast due to which she died at the spot.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that investigation in this case is complete and charge-sheet has already been submitted, however, he is not sure that the charge has been framed or not. He also submits that the petitioner has been languishing in jail since 05.04.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail saying that the present petitioner is main assailant, as he had thrown stone on the chest of the young victim, due to which she died. He further submits that the allegation of the FIR is supported by inquest report though post-mortem



report is not clear about the cause of death and does not mention any injury.

Considering the aforesaid facts and circumstances, particularly the nature of allegation and inquest report, I am not persuaded to enlarge the petitioner on bail at this stage.

The application stands rejected accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

uttam/-

U		T	
---	--	---	--

