

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14306 of 2022

Arising Out of PS. Case No.-268 Year-2021 Thana- BARHARA District- Bhojpur

Ghanshyam Yadav

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 15803 of 2022

Arising Out of PS. Case No.-268 Year-2021 Thana- BARHARA District- Bhojpur

Law Kush Yadav

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 14306 of 2022)

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Ajay Kumar Jha

(In CRIMINAL MISCELLANEOUS No. 15803 of 2022)

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 26-11-2022 (In CRIMINAL MISCELLANEOUS No. 14306 of 2022)

Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Barhara
P.S. Case No. 268 of 2021 registered for the offence under



Section 302/506/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 07.07.2021.

The allegation against the petitioner is to commit murder of son of the informant along with other co-accused persons, while assaulting with iron rod, lathi etc. causing fatal head injury, where occurrence is founded over previous enmities arises out of quarrel of children.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was falsely implicated due to neighbourhood dispute and differences, where allegation against this petitioner is very marginal as to give order and subsequent thereafter to drag deceased by tying *Gamchha* around the neck of deceased for a distance. It is also submitted that postmortem report of the deceased is not speaking as cause of death was any injury received around the neck. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned



above, as the fatal assault is not available against this petitioner in view of postmortem report coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Barhara P.S. Case No. 268 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, Arrah/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(In CRIMINAL MISCELLANEOUS No. 15803 of 2022)

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murder of son of the informant along with other co-accused persons, while assaulting with iron rod, lathi etc. causing fatal head injury, where occurrence is founded over previous enmities arises out of quarrel of children.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was falsely implicated due to neighbourhood dispute and differences. It is further submitted that the alleged assault as per version of the informant which was caused by this petitioner on the head of deceased was single and not repeated without having any intervening circumstances, which is sufficient to gather that petitioner was not under intention to cause death. It is also submitted that F.I.R. was lodged with a delay of three days without having any just explanation. While concluding the argument, it has been submitted that investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail submitted that the allegation as regard to cause fatal assault on the head of the deceased is available against this petitioner, which is in full corroboration with postmortem report, where it is clearly mentioned that cause of death was due to



‘craniocubeal’ damage caused by hard and blunt object.

Considering the facts and circumstances as mentioned above, as allegation, as regard to cause fatal head injury is available against this petitioner, this Court is not inclined to grant the privilege of bail to the petitioner. Accordingly, the prayer of bail of the petitioner is rejected herewith.

Learned Trial Court is directed to conclude the trial within 9 months from the date of receipt of this order by taking this matter on board on daily basis, if required. Failing so, petitioner may renew the prayer of bail, if so advised.

SP Arrah, Bhojpur is directed to produce all the charge-sheeted witnesses, as and when directed by the learned Trial Court, so as to conclude the trial within aforesaid time period, as directed above.

(Chandra Shekhar Jha, J)

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