

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15606 of 2022

Arising Out of PS. Case No.-118 Year-2021 Thana- CHANDAN District- Banka

BIRENDRA YADAV Son of Jeevlal Yadav Resident of Village - Biyahi,
Police Station- Chandan, District - Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee
For the Opposite Party/s : Mr.Mukeshwar Dayal

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 16-08-2022 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

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

The petitioner has preferred this application for grant of regular bail in a case registered u/ss 147, 148, 149, 452, 323, 324, 307, 302, 120B of the Indian Penal Code.

As per prosecution case, co-accused Umesh Yadav abused and forbid the informant's bhabhi for going to that pathway. On being objected, all of sudden the petitioner and co-accused persons holding weapons came to the courtyard of the informant's house. They started assaulting his family members.



The petitioner assaulting his father with iron rod and the co-accused, Umesh Yadav was shouting to kill after catching hold of the hand of the informant's father. When Kiran Devi, Neelam Devi and Guria Devi came to rescue, co-accused Ajay Yadav assaulted on the head of Kiran Devi with Farsa. Co-accused Sanjay Yadav assaulted on the head of Neelam Devi with Fasli causing head injury and co-accused Shambhu Yadav assaulted on the head of Guria Devi with axe causing head injury. Co-accused Jeevlal Yadav also assaulted on the head and legs of Baikunth Yadav and Kamdev Yadav with sword. It is further stated that all the accused persons in connivance with one another assaulted his father with an intention to kill. The injured were brought to Primary Health Centre, Chandan from where his father was referred to Sadar Hospital, Deoghar where the doctor declared his father dead during treatment.

Learned counsel for the petitioner has submitted that the petitioner is innocent and he has falsely been implicated in this case on account of passage dispute. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 31.07.2021.

Learned A.P.P. for the State has opposed the bail petition of the petitioner by submitting that there is specific



allegation against the petitioner, Birendra Yadav, of assaulting the deceased with iron rod. The Post-mortem report suggest that cause of death is head injury associated with haemorrhage and shock caused by hard and blunt substance.

Considering the aforesaid facts, circumstances and the specific allegation as well as heinous nature of allegation against the petitioner, I am not inclined to grant regular bail to the petitioner. Therefore, the prayer for bail for bail of this petitioner is rejected.

(Chandra Prakash Singh, J)

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