

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29212 of 2021

Arising Out of PS. Case No.-336 Year-2020 Thana- SIDHWALIYA District- Gopalganj

ANIL KUMAR YADAV Son of Narayan Rai @ Ramnarayan Ray Resident of
Village - Jalalpur Khurd, P.S.- Sidhwaliya, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kumar Singh, Adv.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 10-02-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with
Sidhwalia P.S. Case No. 336 of 2020 registered for the offence
under Sections 341, 323, 324, 307, 302, 506 and 34 of the
Indian Penal Code.

The petitioner along with others inflicted knife
blow on the wife and daughter of the informant as a result of
which daughter of the informant sustained serious injury
and she died during course of her treatment.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He



further submits that there is general and omnibus allegation against the petitioner and no specific allegation of assault is attributed to him. Altogether three persons have been named in the F.I.R., but from perusal of the F.I.R. it is not clear that as to who out of them has inflicted knife blow upon the daughter of the informant. The petitioner is rotting in judicial custody since 29.12.2020.

Learned A.P.P. for the State has, vehemently, opposed the prayer for bail of the petitioner and submits that the direct allegation of giving knife blow upon the daughter of the informant is attributed to the petitioner. He also submits that there is sufficient material against the petitioner in the case diary more specifically, the mother of the deceased, who happens to be eye witness of the occurrence, has also supported the prosecution version in her statement which is at paragraph-8 of the case diary. Other witnesses in their statements at paragraph nos. 10 and 21 have also supported the prosecution version. Moreover, the postmortem report in which cause of death of the deceased is stated to be due to hemorrhage and shock caused by a sharp cutting substance and the same also corroborates with allegation leveled against the petitioner in



the F.I.R. Hence, the petitioner does not deserve to be enlarged on bail.

Considering the fact and circumstances of the case, and the nature of case which appears to be a culpable homicide, this Court is not inclined to enlarge the petitioner on bail at this stage. Accordingly, the prayer for grant of bail to the petitioner is rejected.

(Rajesh Kumar Verma, J)

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