

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23429 of 2022

Arising Out of PS. Case No.-145 Year-2015 Thana- AMARPUR District- Banka

Chandan Yadav S/o Wakil Yadav Resident of Village- Bakhadda, P.S.-
Rajoun, District- Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Adv. With Mr. Najim Hodda, Adv.
For the Opposite Party/s	:	Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 10-11-2022 Learned counsel for the petitioner submits that due to inadvertence, the name of P.S. is wrongly typed as Banka in place of Amarpur. Learned counsel seeks permission to correct the same.

Permission is hereby granted to remove the defect in course of the day.

Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Amarpur P.S. Case No. 145 of 2015 lodged under Sections 302, 120(B), 448, 34 of the I.P.C.

As per the prosecution case, the informant has made allegation that she was sleeping with his brother and mother in the house and then the petitioner and others came and knocked the door of the informant's house. It has been further alleged that when the mother of the informant opened the door of her house, the same accused persons entered her house and thereafter, accused namely, Lalu pressed her mouth, the petitioner pressed her neck and 2 other accused namely Subodh and Laddan set her on fire due to which she died.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He further submits that petitioner is falsely implicated in this case due to village politics. Learned counsel further submits that the father of the deceased has lodged a case of unnatural death before police, on the basis of which U.D. case was lodged. Learned counsel for the petitioner further submits that after lapse of about 42-43 days, a complaint was filed before the C.J.M. under Section 156(3). On the basis of which the present F.I.R. has been lodged. Learned counsel for the petitioner further submits that the other named co-accused upon whom the allegation that he was also present with the petitioner at the time of commission of the offence has been granted bail by the Co-

ordinate Bench of this Court vide order date 25.04.2022 passed in Cr. Misc. No. 42141 of 2021. learned counsel for the petitioner further submits that petitioner is in custody since 13.12.2021 having one criminal case pending against him in which he is on bail.

Learned counsel for the State opposes the prayer for bail and submits that the case of Lalu and the case of petitioner are different. Learned counsel submits that Lalu has pressed the mouth whereas the petitioner has pressed the neck of informant. Learned counsel further submits that in the post-mortem report, the death has been caused due to strangulation of neck. In this response, learned counsel submits that in the investigation, particularly, para-66 of the case diary, the allegation of strangulating the neck is not against the present petitioner only, rather it is against the 2 accused persons including Lalu and the present petitioner.

Upon specific query whether charge has been framed in this case or not, learned counsel submits that as per his knowledge, charge has not framed in this case till date.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner but liberty is hereby granted to the petitioner that

he may renew his prayer for bail 2 months after framing of charge.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

prakashmani/-

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