

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23428 of 2022

Arising Out of PS. Case No.-75 Year-2021 Thana- PIPRIYA District- Lakhisarai

Karu Yadav S/o Bishundeo Yadav, R/o village- Pipariya Diyara, P.S.- Piparia,
District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Adv.

For the Opposite Party/s : Mr. Prem Kumar Jha, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 14-11-2022 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
Piparia P.S. Case No. 75 of 2021, lodged under Sections 302/34
of the Indian Penal Code.

As per prosecution case, the allegation of assaulting
by iron rod on the head of the informant's father is there, which
resulted into grievous injury and bleeding, and upon checkup by
Doctor the father of the informant was declared as dead.

Learned counsel for the petitioner submits that the
contents of F.I.R. are in two parts, the first part is hearsay and
the second part is narrated by the informant. He further submits

that in the case diary, the materials has been accepted by the Session Court. He also submits that the statement made in paragraph no.4 & 5 of the case diary are hearsay. Learned counsel also submits that the only material against the petitioner is in paragraph no.24 & 25 of the case diary, in which the informant himself narrated the story. But after reading the case diary, it indicates that there should be 3 injuries, whereas from the post-mortem report, it transpires that there is one blow only, this is the cause of death. He further submits that petitioner is in custody since 23.10.2021 and there are 3 criminal cases pending against the petitioner, in which he is on bail in all 3 cases.

Learned counsel for the State opposes the prayer for bail and submits that it is true that first part of the F.I.R. is hearsay but the allegation of assaulting by rod on the head of informant's father is in the second part of the F.I.R. He also submits that it is also true that there is one blow only by which the death has been caused.

Upon specific query that whether charge has been framed in this case or not, learned counsel for the petitioner submits that charge has not been framed in this case.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to

the petitioner, therefore, his bail application stands **rejected**, but the liberty is hereby granted to the petitioner that he may renew his prayer for bail after 6 months of framing of charge and the Trial Court, thereafter, shall release him on bail after imposing conditions, so that he may not evade his appearance during trial before the Court.

(Dr. Anshuman, J.)

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