

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43258 of 2022

Arising Out of PS. Case No.-19 Year-2021 Thana- JAYNAGAR District- Madhubani

Bindeshwar Yadav S/o Lakhan Yadav Resident of Village - Kurahiya Parsahi, P.s.-
Jaynagar, District - Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parmeshwar Vishwakarma, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-11-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

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

Petitioner seeks regular bail in connection with
Jaynagar P.S. Case No. 19 of 2021 registered for the offences
punishable under Sections 147, 148, 149, 341, 447, 323, 324,
307, 302 and 504 of the Indian Penal Code.

As per the prosecution, the informant's mother was
brutally assaulted by this petitioner with co-accused persons and
during the course of treatment the informant's mother
succumbed to the injuries.

The main submissions advanced by the learned
counsel Mr. Parmeshwar Vishwakarma appearing for the
petitioner are that there is a case and counter case between both



the parties and some of the co-accused persons have been granted bail and the petitioner is alleged to have assaulted the informant's mother by means of an Axe but the injuries found on the body of the deceased were opined to be caused by hard and blunt object and the said opinion does not corroborate with the allegation made against the petitioner in the FIR. Further submission is that both the parties are *Gotiya* and between them a land dispute is running and the petitioner has been languishing in jail since 17.01.2021.

Learned APP Mr. Ajay Kumar Jha appearing for the State has opposed the prayer for bail.

Heard both the sides and perused the FIR. As per the allegation, the accused persons including the petitioner firstly, surrounded the informant's mother and thereafter started assaulting her by means of Lathi, Farsa and Axe and against the petitioner there is a specific allegation of having assaulted the deceased by means of Axe. Considering the nature of the allegation appearing against the petitioner, in the opinion of this Court the petitioner does not deserve to the privilege of bail. Accordingly, his prayer for bail stands rejected.

(Shailendra Singh, J.)

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