

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54409 of 2021

Arising Out of PS. Case No.-41 Year-2021 Thana- SINGHESHWAR District- Madhepura

LAXMAN YADAV @ LAXMAN KUMAR YADAV S/O LATE JAI
NARAYAN YADAV @ LATE JAI KRISHNA YADAV R/O VILLAGE-
GAURIPUR, WARD NO.-13, P.S.- SINGHESHWAR, DISTRICT-
MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikramdeo Singh, Adv.
Mr. Pawan Kumar, Adv.
For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 09-05-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302 and 34 of the Indian Penal Code.

As per the prosecution case, it is stated by the informant that she saw the accused persons including the petitioner herein having caught hold of father of the informant who was on a 'Chowki' and Shambhu Yadav was pressing his neck. On hulla being raised and the neighbours going to his rescue, they escaped. The father of the informant died.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. Even as per the F.I.R., it was Shambhu Yadav who was pressing the



neck of the deceased. During the course of investigation, the story of the prosecution was disbelieved and chargesheet was submitted only against this petitioner while against all others final form was submitted. However differing from the same, the learned trial court took cognizance in the case. No overt act has been alleged against this petitioner who is in custody since 7.3.2021.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and on perusal of the allegations in the F.I.R., the petitioner is said to have actively participated in the occurrence along with the other accused persons. Even as per the post-mortem report, the cause of death is said to be asphyxia due to strangulation. Thus, the post-mortem report supports the allegations in the F.I.R.

In the facts of the case, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Liberty is granted to the petitioner to renew his prayer for bail after six months or after framing of charge, whichever is later.

(Partha Sarthy, J)

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