

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58467 of 2021

Arising Out of PS. Case No.-23 Year-2019 Thana- JAIPUR District- Banka

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BHUDEO PRASAD YADAV Son of Petar Prasad Yadav Resident of Village -
Diggibandh, P.S.- Jaipur, Distt.- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate.

For the Opposite Party/s : Mr. Narsingh Tanti, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

4 26-09-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Ajay Mukherjee, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Jaipur P. S. Case No. 23 of 2019
registered for the offences punishable under Sections 307 and
302 read with 34 of the Indian Penal Code.

The prosecution case is based on a *fardbayan* of the
informant, alleging therein that on 07.05.2019 at about 08:00
P.M., while the informant was working in her house, in the



meantime, the petitioner along with his wife came there and started abusing her on a trifling issue. It is also alleged that when the informant raised alarm, her husband and Binod Yadav came to save her but the petitioner assaulted the husband of the informant with an iron rod on his head due to which he sustained grievous injuries and died on the spot. The allegation has also been levelled against the wife of the petitioner that she also assaulted the deceased and the informant.

Learned counsel appearing on behalf of the petitioner submitted that from the tenor of the F.I.R., it is evident that on account of some trifling issue, the scuffle took place, however, there is no premeditation nor any motive or intention to kill him. It is also submitted that the incidence was an accidental one, which resulted into death of the husband of the informant. It is further submitted that the co-accused Sangita Devi, wife of the petitioner has already been granted bail by learned coordinate Bench of this Hon'ble Court in Cr. Misc. No. 7294 of 2022 vide order dated 24.02.2020. So far the present petitioner is concerned, he is in custody since 11.09.2019, more than three years have been lapsed.

On the other hand, learned APP for the State opposes the bail application and submits that specific allegation



has been levelled against the petitioner that he assaulted the deceased over his head by means of iron rod, which resulted into his death. On the last occasion, a report with regard to the stage of the trial was called for by the learned trial court, from the report, it appears that out of nine charge sheet witnesses, five prosecution witnesses have already been examined.

Regard being had to the submissions made on behalf of the parties and taking into account the specific nature of accusation and the gravity of the offence as also considering the progress of the trial, this court is not persuaded to enlarge the petitioner on bail for present. However, it is expected that the learned trial court will take all necessary measures to conclude the trial as early as possible and if the trial is not concluded within a period of three months, the petitioner would be at liberty to renew his prayer for bail before this court along with the present status.

Accordingly, the present application application stands dismissed with the aforesaid liberty.

(Harish Kumar, J)

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