

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59201 of 2021

Arising Out of PS. Case No.-146 Year-2020 Thana- JAGDISHPUR District- Bhagalpur

FOTO YADAV S/o Late Suresh Yadav R/o village- Satjori, P.S.- Goradih
(Jagdishpur), Distt.- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr.Pravin Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 25-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Jagdishpur (Goradih) P.S. Case No. 146 of 2020 registered for the alleged offences under Sections 147, 148, 149, 302 and 120(B) of the Indian Penal Code.

Prosecution case is that in the back ground of some land dispute, the petitioner and other co-accused persons, variously armed, assaulted the father of the informant and he died during his treatment.

Learned Sr. counsel Sri N.K.Agrawal appearing on



behalf of the petitioner submits that the petitioner is innocent and due to previous land dispute, he has been falsely implicated in this case. There is general and omnibus allegation against the petitioner and other co-accused persons and no specific overt act has been attributed against this petitioner. It also appears from the FIR that father of the informant died without disclosing the name of the assailants. Land dispute is admitted in the FIR itself. Moreover, the allegation against the petitioner is that of hitting on the shoulder of the father of the informant with an iron rod but no such injury has been observed during post-mortem. Charge sheet has been submitted in this case and the petitioner is in custody since 16.01.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that it was not possible to attribute specific overt act to each of the assailants when they had been mercilessly assaulting the father of the informant. Learned APP further submits that post-mortem report makes it clear that due to assault by the petitioner and other co-accused persons, father of the informant died and the injuries on his body were found to be dangerous to life in ordinary course of nature, sufficient to cause death and caused by hard and blunt force and death was due to hemorrhage and shock.

Perused the records.



Having regard to the fact that the petitioner is stated to be order giver and also one of the assailants and though injury attributed to this petitioner does not find mention in the post-mortem report, yet the fact remain the petitioner is one of the assailants and death has been caused due to assault by the petitioner and other co-accused persons. Hence I am not inclined to enlarge the petitioner on bail at this stage.

Accordingly, his prayer for grant of bail is rejected.

The Trial Court is directed to conclude the trial expeditiously preferably within a period of nine months.

However, if the trial is not concluded within the aforesaid period, the petitioner will be at liberty to renew his prayer for bail.

(Arun Kumar Jha, J)

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