

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63321 of 2021

Arising Out of PS. Case No.-8 Year-2021 Thana- RAMNAGAR District- West Champaran

Binod Yadav, S/o- Manan Yadav Resident of Village- Maghwal, Mathiya,
P.S.- Ramnagar, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saroj Kumar Sharma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 12-07-2022 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 Ramnagar P.S. Case No. 8 of 2021 registered for the alleged offences under Section 302 of the Indian Penal Code.

The prosecution case is that, in the backdrop of some land dispute, the petitioner twice assaulted his brother within the span of few hours and in the second assault on head by an axe, caused a number of injuries resulting in death of his brother, the husband of the informant.



The learned counsel for the petitioner submits that land dispute is admitted and the sister-in-law of the petitioner has framed him. The false allegation against the petitioner is apparent as for an occurrence of 05.01.2021, the FIR has been registered on 06.01.2021 at 2.20 P.M. Except for the wife of the deceased, no one else has seen the occurrence. All the witnesses are hearsay witnesses. The petitioner has himself surrendered and is in custody since 09.01.2021.

Learned APP opposes the prayer for bail of the petitioner submitting that all the witnesses in the case diary have supported the prosecution case and post mortem report also supports the allegation of assault by an axe.

Perused the records.

Perusal of the records shows that the occurrence took place in the intervening night of 05.01.2021 and 06.01.2021 and the post mortem report shows a number of injuries on the head of the deceased, caused by sharp heavy cutting weapon and the cause of death has been stated to be head injury. Absence of independent witnesses or eye witnesses is quite natural in the fact and circumstances as enumerated in the FIR. Similarly, delay in filing the FIR may be due to treatment of husband of the informant as stated in the FIR itself.



In the aforesaid facts and circumstances and also after considering the rival submissions, I am not inclined to enlarge the petitioner on bail.

Accordingly, his prayer for bail is rejected.

Learned trial court is directed to expedite the trial and conclude the same expeditiously preferably within a period of one year.

However, if trial is not concluded within one year, the petitioner may renew his prayer for bail.

(Arun Kumar Jha, J)

V.K.Pandey/-

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