

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64487 of 2021

Arising Out of PS. Case No.-76 Year-2021 Thana- JAGDISHPUR District- Bhojpur

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KAMESHWAR YADAV @ KAMESHWAR SINGH Son of Mahendra Yadav
@ Mahendra Singh Resident of Village - Ram Chandra Ke Bathan, P.S.-
Jagdishpur, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Narayan, Sr. Advocate Mr. Sunil Kumar Yadav, Advocate
For the Respondent	:	Mr. Arun Kumar Singh, Advocate
For the State	:	Md. Ataul Haque, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 24-08-2022 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 P.S. Case No. 76 of 2021 registered for the alleged offences under Sections 341, 323, 307, 379, 427, 504, 34 and 302 of the Indian Penal Code.

As per prosecution case, the brother of the informant was a seller of eggs and allegation against the petitioner and his co-accused brother is that they consumed eggs from the shop of



the brother of the informant and when payment for the same was demanded, they abused him and this petitioner hit on the head of brother of the informant with a bamboo and the co-accused brother of the petitioner took away Rs. 8500/- from the shop of the brother of the informant. The brother of the informant died during the course of his treatment.

Learned senior counsel appearing on behalf of the petitioner submits that the petitioner has been falsely implicated in this case. The informant is not an eye witness. During investigation, witnesses have stated about both petitioner and co-accused persons assaulting the deceased so allegation is general and omnibus. The occurrence took place on 21.02.2021 and the deceased died on 12.03.2021, i.e., after 20 days of occurrence. Probably his treatment was not proper if he would have received proper treatment, probably his live could have been saved. Learned counsel further submits that co-accused Shailendra Kumar Yadav has been granted bail by a Coordinate Bench vide order dated 23.02.2022 passed in Cr. Misc. No. 43920 of 2021. Charge sheet has been submitted in this case and the petitioner is in custody since 13.03.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that there is specific allegation



against this petitioner that he hit on the head of the brother of the informant with bamboo and brother of the informant died subsequently during the course of treatment. The post-mortem report also shows that the death was due to head injury.

Having regard to the facts and circumstances of the case and submission made on behalf of the parties and considering the specific allegation of causing assault on the head of the deceased against this petitioner and same being of death of the brother of the informant, and hence in view of the serious nature of allegation, I am not inclined to enlarge the petitioner on bail at this stage.

Accordingly, his prayer for grant of bail is rejected.

The learned trial court is directed to expedite the trial and conclude the same within the time as mentioned in its report dated 17.05.2022.

(Arun Kumar Jha, J)

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