

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8447 of 2022

Arising Out of PS. Case No.-34 Year-2021 Thana- KHIRI MORE District- Patna

RAM PRAVESH YADAV S/o Late Chandradeo Yadav R/o village- Banauli,
P.S.- Khiri More, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunit Kumar Srivastava

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

6 23-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Khiri
More P.S. Case No. 34 of 2021, registered for the offences
punishable under Sections 147, 148, 149, 323, 307, 379,
447, 448 and 504 of the Indian Penal Code and Section 302
of the Indian Penal Code has been also added later on in the
FIR.

The prosecution case as emerging from the FIR is
that on 10.04.2021 the sister-in-law and daughter-in-law of
the informant went for attending the natural call but while
returning, they fell down into a ditch dug by the accused-



petitioner. It is further alleged that when protested by the informant in regard to the digging of the ditch, all the accused-persons including the petitioner brutally assaulted the informant and his family members including the victim lady who died later on in course of her treatment.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that it is not clear whether the alleged victim had died on account of falling in the ditch or on account of the alleged assault. He also submits that the petitioner has been languishing in jail since 04.08.2021 i.e. for about more than one and half years. He further submits that the petitioner is ready to co-operate in the trial in case he is enlarged on bail.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP and Ld. Counsel for the



Informant for the State vehemently opposes the prayer of the petitioner for bail submitting that the accused-petitioner is the main assailant as per the allegation and the allegation of assault is also supported by the post-mortem report.

Considering the aforesaid facts and circumstances, I am not persuaded to enlarge the petitioner on bail at this stage.

This application stands rejected accordingly.

However, Ld. Trial Court is directed to expedite the trial. In case, the trial is not concluded within a period of nine months, the petitioner is at liberty to renew his prayer for bail.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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