

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24140 of 2023

Arising Out of PS. Case No.-226 Year-2021 Thana- MANSI District- Khagaria

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Batan Yadav @ Batan Bihari Yadav S/O Rampravesh Yadav R/O Village-
Chukti, P.S- Mansi, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

35 21-06-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with

Sessions Trial No. 89 of 2022, arising out of Mansi P. S.

Case No. 226 of 2021, registered for the offences

punishable under Sections 147, 148, 149, 323, 307, 302,

504 and 506 of the Indian Penal Code.

Similar application of the petitioner has been

rejected by this Court *vide* order dated 03.08.2022, passed

in Cr. Misc. No. 6249 of 2022.

However, this fresh application has been filed for

similar relief but no fresh change of circumstances has been



shown by the petitioner except making submission that similarly situated co-accused person, Shravan Yadav has already been enlarged on anticipatory bail by a Co-ordinate Bench of this Court on the ground of lack of any specific allegation of assault.

Ld. APP for the State, however, submits that the petitioner does not deserve to be enlarged on bail in view of the serious nature of the alleged offence and material on record. The father of the informant was abused and assaulted by *Danda* and iron rod by the accused persons including the petitioner, resulting into his death on way to hospital. He also refers to the post-mortem report as per which there is lacerated wound found over the skull, which is vital part of the body, measuring 3" x 1/2" x 1/4" and there is also fracture of bone of occipital region and as per the opinion of the doctor, the death has been caused by hemorrhage and shock caused by heavy impact of hard and blunt substance leading to CR failure.

Perused the material on record and considered the submissions advanced by both the parties.



Considering the nature of alleged offence and material on record in support of the same, the earlier similar petition of the petitioner was rejected and I further find that there is no change in the circumstance. It is not the case of the petitioner that material witnesses have been examined and they have not supported the case against him.

Hence, the present petition is bereft of any merit and I am not persuaded to enlarge the petitioner on bail.

Accordingly, the prayer for bail is rejected.

However, the petitioner will have liberty to renew his prayer for bail after examination of material witnesses during trial and even when the trial is not concluded within a period of one year.

(Jitendra Kumar, J)

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