

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30386 of 2023

Arising Out of PS. Case No.-118 Year-2021 Thana- CHANDAN District- Banka

BIRENDRA YADAV Son of Jeevlal Yadav R/V- Biyahi, PS- Chandan, Dist-
Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Adv.

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 10-05-2023 Learned counsel for the petitioner is permitted to
remove defect (s), as pointed out by the office, if any, within a
period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner has preferred this application for grant
of regular bail in connection with Chandan P.S. Case No. 118 of
2021 dated 30.07.2021 registered for the offences punishable u/s
147, 148, 149, 452, 323, 324, 307, 302, 120(B) of the Indian
Penal Code.

As per the prosecution case, co-accused Umesh Yadav
abused and forbid the informant's bhabhi for going to that
pathway. On being objected, all of sudden the petitioner and co-



accused persons holding weapons came to the courtyard of the informant's house. They started assaulting his family members. The petitioner assaulting his father with iron rod and the co-accused, Umesh Yadav was shouting to kill after catching hold of the hand of the informant's father. When Kiran Devi, Neelam Devi and Guria Devi came to rescue, co-accused Ajay Yadav assaulted on the head of Kiran Devi with Farsa. Co-accused Sanjay Yadav assaulted on the head of Neelam Devi with Fasli causing head injury and co-accused Shambhu Yadav assaulted on the head of Guria Devi with axe causing head injury. Co-accused Jeevlal Yadav also assaulted on the head and legs of Baikunth Yadav and Kamdev Yadav with sword. It is further stated that all the accused persons in connivance with one another assaulted his father with an intention to kill. The injured were brought to Primary Health Centre, Chandan from where his father was referred to Sadar Hospital, Deoghar where the doctor declared his father dead during treatment.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has got clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 31.07.2021.



Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that there is specific allegation against the petitioner, Birendra Yadav, of assaulting the deceased with iron rod. The Post-mortem report suggest that cause of death is head injury caused by hard and blunt substance. Earlier the prayer of bail of the petitioner was rejected by this Court on merit vide order dated 16.08.2022 passed in Cr. Misc. No. 15606 of 2022.

Considering the aforesaid facts, circumstances and the specific allegation as well as heinous nature of allegation against the petitioner, I am not inclined to grant regular bail to the petitioner.

The application stands rejected.

Further, the Trial Court is directed to expedite and conclude the trial at the earliest.

(Chandra Prakash Singh, J)

Ajay Singh/-

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