

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.46491 of 2022

Arising Out of PS. Case No.-404 Year-2021 Thana- HARNAUT District- Nalanda

Sohaban Yadav @ Sohaban Singh Son of Late Amak Yadav @ Ambika Singh
Resident of Village - Nehusa Bigha, P.S.- Harnaut, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Chandra Pandey, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 324, 307, 504,
506/34 of the Indian Penal Code and later on Section 302/34 of
the Indian Penal Code was added.

Allegation against the petitioner is that he along with
co-accused persons assaulted Gautam Kumar (deceased) with
iron rod, lathi and *garasa* on his neck and caused injury and
during treatment Gautam Kumar died.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely



implicated in the present case. He further submits that the present F.I.R. is false and fabricated and the petitioner has been falsely implicated in the present case and in fact the deceased Gautam Kumar died due to medical negligence on 07.09.2021. He further submits that although the allegation in the F.I.R. that four accused persons including the petitioner have assaulted the deceased but it has come during investigation that two accused persons namely Vishwanath Prasad and Atal Prasad were not present at the place of occurrence.

Learned APP for the State, on the other hand, on the basis of material available on record as well as case diary, vehemently opposed the prayer for bail of the petitioner, submits that it has come during investigation that the petitioner has assaulted the deceased and he died during treatment. He further submits that the postmortem report also supports the allegation as alleged in the F.I.R. and the charge has been framed against the petitioner on 25.04.2022.

Considering the aforesaid facts that there is direct allegation against the petitioner, I am not inclined to enlarge the petitioner on bail in connection with Harnaut P.S. Case No. 404 of 2021 corresponding to Sessions Trial No. 219 of 2022 pending in the Court of learned Additional Sessions Judge-II,



Biharsharif, Nalanda.

Prayer is refused.

(Rajesh Kumar Verma, J)

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