

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48875 of 2023

Arising Out of PS. Case No.-141 Year-2022 Thana- BALTHAR District- West Champaran

JITENDRA YADAV S/O SRI LANGTU YADAV R/O VILLAGE- GHOGHA
PARSAUNI, PS. BALTHAR, DIST. WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

For the Opposite Party/s : Mr.Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-09-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Balthar P.S. Case No. 141 of 2022 dated 21.11.2022
registered for the offence under Sections 341, 323, 302, 307,
504/34 of the Indian Penal Code.

The petitioner is alleged to have inflicted iron rod
blow over the head of the wife of the informant due to which
she sustained severe head injury and succumbed to the
injuries during course of treatment.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He



further submits that on bare perusal of the F.I.R., it appears that the petitioner allegedly inflicted iron rod blow upon the head of the wife of the informant causing her death during course of treatment. He further submits that the petitioner has not assaulted the deceased rather he was having scuffle with the son of the deceased for the money transaction and when the deceased came to pacify the dispute, she somehow sustained injuries on her head. He further submits that there was no intention of the petitioner to kill the deceased. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 24.11.2022.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation of infliction iron rod blow over the head of the wife of the informant causing her death during treatment. He further submits that postmortem report of the deceased also supported the alleged leveled against the petitioner. He further submits that several witnesses have supported the prosecution version and their statements have been recorded in paragraph No specific



allegation of any overt act is attributed to the petitioner rather general and omnibus allegation is leveled against him. 8, 9, 10 and 11 of the case diary.

Considering the facts and circumstances of the case and the rival submission of the parties and the direct allegation of assault upon the head of the informant against the petitioner supported by the postmortem report, this Court is not inclined to grant the privilege of bail to the petitioner. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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