

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59140 of 2021

Arising Out of PS. Case No.-186 Year-2021 Thana- KHAIRA District- Jamui

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TRIPURARI YADAV SON OF MITHO YADAV R/O VILLAGE-
KAGESHWAR, P.S.- KHAIRA, DISTRICT- JAMUI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Adv. Mr. Ram Sumiran Rai, Adv.
For the Opposite Party/s	:	Mr. Dr. Mrityunjaya Kr. Gautam, APP. Mr. Satya Prakash Parasar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

10 16-02-2023 Heard the parties.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 326, 307, 302 & 504 of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly, petitioner is said to have assaulted the informant's husband by means of sword on his head.

It is submitted by learned senior counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to dirty village politics. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is admitted land dispute



between the parties. Though the allegation against the petitioner that he assaulted the informant's husband by means of sword but from the postmortem report of the deceased, it is evident that the cause of death of her husband is Cardio Respiratory Failure. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail and submitted that there is specific overt act against the petitioner.

Considering the facts and circumstances of case, since there is specific overt act against the petitioner, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected. However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order in accordance with law without being prejudiced by this order on the very date of surrender considering the fact that the postmortem report has not supported the prosecution case.

(Anjani Kumar Sharan, J)

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