

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71607 of 2022

Arising Out of PS. Case No.-219 Year-2022 Thana- SAUR BAZAR District- Saharsa

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LUDAN YADAV S/O LATE NAGESHWAR YADAV Resident of village-
Bhaganpatti, Under Gram Panchayat Kisanpur, O.P.- Pattarghat, P.S.- Saur
Baza, District- Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shekhar Kumar Singh

For the Opposite Party/s : Mr.Kalyan Shankar

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 03-05-2023 Heard the learned counsel for the petitioner as well

as the learned Additional Public Prosecutor for the State.

The petitioner is seeking regular bail in connection
with Saur Bazar (Pattarghat O.P.) P.S. Case No. 219 of 2022,
registered for the offences punishable under Sections 341, 323,
307, 379, 504, 506/34 of the Indian Penal Code later on added
Section 302 of the Indian Penal Code and Section 27 of the
Arms Act.

As per allegation, when the husband of the informant
and her brother-in-law (*devar*) were coming to their house by a
motorcycle after taking some papers relating to land and
reached near Ramna Bhatta, the petitioner and his brother (co-
accused) Lalan Yadav, along with six unknown persons,



equipped with arms, surrounded the husband and *devar* of the informant. They started badly assaulting them with butt of pistol and iron rod. The petitioner and his co-accused brother were uttering while inflicting assaults that they would not escape till their last breath. Perceiving the injured persons to be dead, they fled away from the place of occurrence. Brother-in-law (*devar*) of the informant died during course of treatment, whereas her husband was also hospitalized.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The witnesses in paragraph nos. 8 and 9 of the case diary, who are father and wife of the deceased, have though corroborated the allegation, but they are not eye-witnesses. He has submitted further that in the FIR, the place of occurrence has been shown as Ramna Bhatta, whereas in the statement of injured Pankaj Yadav, it has been mentioned as Mahavir Chawk. He has also submitted that there is allegation against the petitioner as well as other accused persons that they badly assaulted the husband and her brother-in-law, but his brother-in-law has not suffered any injury on his head. He has next submitted that the occurrence has taken place on 25.04.2022, but the FIR was lodged after a delay of four days.



On the other hand, the learned APP has opposed the prayer for bail and submitted that there is specific allegation against the petitioner and his brother co-accused Lalan Yadav that they badly assaulted the deceased and his brother Pankaj Yadav. As per post-mortem report, though no external injury was found on the head of the deceased, but on opening of his skull, his brain matter was found congested and the doctor opined the cause of death due to haemorrhage and shock, due to injuries mentioned in the post-mortem report and all those injuries were caused by heavy impact of hard and blunt substance. He has submitted further that injury found on the person of the deceased fully corroborates the recitals of the FIR as well as the statement of the injured Pankaj Yadav recorded in paragraph no. 58 of the case diary. The petitioner has a criminal antecedent of 3 cases of serious nature.

Considering the above-mentioned facts and circumstances as well as the materials collected during course of investigation, I do not think it to be a fit case for bail, which is hereby rejected.

(Nawneet Kumar Pandey, J)

Kundan/Nirmal

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