

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1473 of 2022

Arising Out of PS. Case No.-529 Year-2020 Thana- BAHADURPUR District- Darbhanga

PRADEEP YADAV @ PRADEEP KUMAR YADAV Son of Gyani Yadav
Resident of Village - Gaighatti, P.S.- Patour O.P., and Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Masoom Alam, Advocate
For the Opposite Party/s	:	Mr. Dashrath Mehta, APP
For the Informant	:	Mr. Ram Bali Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 06-01-2023 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302, 147, 148, 149, 341, 323, 354B, 379 and 504 of the Indian Penal Code.

As per the prosecution case, the informant states that while her grandson was playing around, over a trivial matter the petitioner started to abuse and assault his wife. Soon, thereafter, the petitioner came with the other accused persons variously armed and started to assault. The petitioner struck the wife of the informant with a rod on her head as a result of which she fell down injured. Others were also assaulted as described in detail in the FIR. The injured were taken to the hospital where the



informant's wife died in course of treatment.

It is submitted by learned counsel for the petitioner that the parties are agnates and falsely implicated in the case. The injured wife of the informant was discharged from the hospital and subsequently readmitted and, thereafter, she passed away in course of treatment. Referring to the contents of the postmortem report and the FSL report, it is submitted that the cause of death is not the injury as alleged in the FIR but due to consumption of celphos as has been stated in the FSL report. The petitioner is 40% disabled, he is in custody since 17.8.2021, chargesheet has been submitted in the case and co-accused Vijay Yadav has been enlarged on bail vide order dated 6.9.2021 passed in Cr. Misc. no. 17252 of 2021.

The application for bail is opposed by learned APP for the State and learned counsel for the informant.

Having heard learned counsel for the parties and taking into consideration that in the FIR, the specific allegation against the petitioner is of having assaulted informant's wife with an iron rod on her head and the said allegation is supported from the contents of the postmortem report wherein it has been observed that the internal injury was ante mortem and caused by hard and blunt object about 6-7 days old and cause of death



is intracranial haemorrhage, compression and shock, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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