

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.63819 of 2022**

Arising Out of PS. Case No.-234 Year-2022 Thana- KATORIYA District- Banka

PAPPU YADAV @ PAPPU KR. YADAV SON OF AMIN YADAV R/O  
VILL.- TULSIWARAN, P.S.- KATORIYA, DISTT.- BANKA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                 |
|--------------------------|---|-------------------------------------------------|
| For the Petitioner/s     | : | Mr. Y.C. Verma, Adv.<br>Mr. Praveen Kumar, Adv. |
| For the Opposite Party/s | : | Mr.J.N. Thakur, APP                             |

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

ORAL ORDER

4      28-03-2023                      Heard learned counsel for the petitioner as well as Mr.  
J.N. Thakur, learned APP for the State.

In this case, the petitioner is seeking regular bail in connection with Katoriya P.S. Case No. 234 of 2022, registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 302, 120(B), 504, 506 of the Indian Penal Code.

As per allegation, son of the informant prohibited co-accused Dablu Yadav from passing tractor through his maize field, whereupon 17 named accused persons in pre-planned manner came there, they encircled the informant, his wife and his son and started assaulting and abusing them. Co-accused Sarju Yadav exhorted other accused persons to inflict *lathi* blows on their person whereupon they started assaulting Upendra Yadav, son of the informant. The allegation against the petitioner is that he inflicted an axe blow on the head of Alkhi Devi, wife of the



informant who died during course of treatment.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated. He has submitted further that even if the allegation is assumed to be true the dominant intention of the felony is not to kill the lady as the allegation is of inflicting solitary blow. He has further submitted that the case diary does not contain the injury report of the informant and his son. The FIR does not show that the accused persons were inimical only to the woman who was killed by the hands of the accused persons. The learned counsel has also submitted that the time of occurrence does not tally with the post-mortem report.

On the other hand, learned APP, Mr. J.N. Thakur has opposed the prayer for bail and submitted that the petitioner is direct assailant. He chose vital part to inflict axe blow on the head of the deceased. She died during course of treatment.

Considering the fact that the petitioner is assailant. There is allegation that he assaulted on the head of deceased resulting into her death. In my view, he does not deserve the privilege of bail. Accordingly, it is rejected.

**(Nawneet Kumar Pandey, J)**

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