

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17383 of 2024

Arising Out of PS. Case No.-496 Year-2023 Thana- KAUWAKOL District- Nawada

Pawan Yadav Son of Rajendra Yadav @ Rajo Yadav Resident of Village -
Bhorambagh, Police Station - Kowakole in the district of Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar
For the Opposite Party/s	:	Mr.Murli Dhar
For the Informant	:	Mr. Durgesh Nandan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

7 09-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Kowakole P.S. Case 496/2023, registered for the offence
punishable under Sections 302/34 of the Indian Penal Code.

3. As per prosecution case, there is specific
allegation against the petitioner who assaulted the informant's
son by means of iron rod as a result of which he sustained head
injury. During course of treatment he died.

4. Learned counsel for the petitioner orally submits
that there is specific allegation against the petitioner who
assaulted the informant's son by means of iron rod but there is
no repetition of blow on the head of victim who has died and the



occurrence has taken place within spur of moment. Therefore, no offence is made out under Section 302 of the I.P.C. The petitioner is languishing in custody since 26.08.2023 and bears no criminal antecedent. He further submits that the petitioner is quite innocent and has committed no offence as alleged in FIR and he has falsely been implicated in this cases due to previous land dispute.

5. The learned counsel for the informant as well as learned A.P.P. for the State vehemently opposed the prayer for bail of the and submits that there is specific allegation against the petitioner who assaulted the informant's son by means of iron rod who sustained head injury which is corroborated by the postmortem report.

6. A report regarding stage of trial has been sought by this Court and in pursuance of the said direction, the trial court vide letter no.44/2024 dated 06.07.2024 has sent its report which reveals that four witnesses have been examined and two witnesses are yet to be examined in this case. The aforesaid report further reflects that the trial court has sought three months time for concluding the trial.

7. Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner coupled



with the postmortem report and material available on record, I am not inclined to grant bail to the petitioner. Hence, prayer for bail of the petitioner stands rejected.

8. However, the trial court is directed to expedite the trial and conclude the same as early as possible.

(Alok Kumar Pandey, J)

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