

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38927 of 2024

Arising Out of PS. Case No.-162 Year-2023 Thana- MAHARAJGANJ District- Siwan

Radha Yadav Son of Late Chandradeo Yadav R/O Vill.- Mahuari, P.S.-
Maharajganj, Dist.- Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gajendra Kumar Singh
For the State	:	Mr.Anish Chandra
For the Informant	:	Mr. Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-08-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner seeks bail in a case registered for
the offence punishable under Sections 341, 323, 324, 307, 379,
302, 504, 506/34 of the Indian Penal Code.

3. As per the prosecution case, the allegation
against the petitioner is that he gave sword blow on the head of
the informant's father and during the course of treatment
informant's father succumbed to injury.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has committed no offence and has
falsely been implicated in this case. He submits that the
postmortem report has not supported the prosecution case. As
per the allegation, co-accused Kapil Yadav assaulted with sword



on informant’s head but according to the *postmortem* report the doctor has found the injury on his head caused by hard and blunt substance. He further submits that the petitioner is languishing in custody since 27.02.2024. The petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail and submitted that there is specific allegation against the petitioner. They further submitted that the informant’s father died during the treatment and the petitioner is the author of the said injury.

6. Considering the facts and circumstances of the case and the fact that there is specific overt act against the petitioner, the Court is not inclined to grant regular bail to the petitioner. Accordingly, the prayer of regular bail of the petitioner is hereby rejected in connection with Maharajganj P.S. Case No. 162 of 2023.

(Anjani Kumar Sharan, J)

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