

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63578 of 2023

Arising Out of PS. Case No.-338 Year-2020 Thana- SONO District- Jamui

Tufani Yadav, aged about 32 years, Male Son of Phuleshwar Yadav, Resident of Village- Kuhila, P.S. Sono, District-Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Opposite Party/s : Ms. Asha Devi,,APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

6 22-02-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Sono PS Case No. 338 of 2020 instituted for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code.

3. As per the prosecution case, Tufani Yadav assaulted the son of the informant by means of sword over his neck due to which his neck got separated from his body.

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. Petitioner and informant are own brother. The scuffle took place due to domestic dispute between the parties.

5. Learned APP opposes the prayer for bail.



6. From perusal of the case diary, FIR, Postmortem report and the impugned order dated 09.05.2023 passed by the learned Additional Sessions Judge-III, Jamui, it appears that petitioner is named in the FIR and there is directed allegation against the petitioner to cut the neck of the informant son and the head was separated from his body. The postmortem report also support that the death due to sharp cut of neck and haemorrhagic Shock and totally sharp cut of neck bone, trachea oesophagus, Major arteries, Nerves and vein. Petitioner is in custody since 26.12.2020.

7. In this circumstances, it is heinous offence, I am not inclined to grant bail to the petitioner.

8. Prayer for regular bail of the petitioner is hereby rejected.

9. However, the learned trial Court is directed to conclude the trial preferably within a period of two years from the date of receipt of this order with the co-operation of the petitioner.

(Ramesh Chand Malviya, J)

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