

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62316 of 2024

Arising Out of PS. Case No.-161 Year-2016 Thana- MAJHAULIA District- West Champaran

Madan Yadav Son of Late Ramji Yadav Resident of Village- Dumari
Mahanwa, P.S.- Majhauria, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 19-11-2024 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in Majhauria P.S. Case No.
161 of 2016, instituted for the offences punishable under
Sections 147, 148, 149, 341, 323, 324, 307, 302 and 504 of the
Indian Penal Code.

3. The prosecution case, in short, is that, the petitioner
along with other co-accused persons assaulted the deceased. The
petitioner gave spear blow on the chest and stomach of the
deceased Bharat Yadav due to which he fell and upon which
other three accused persons gave him repeated *lathi* blow. The
deceased sustained injuries and during his treatment he
succumbed to injuries.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that no specific allegation has been attributed against the petitioner. It is further submitted that during scuffle the deceased fell down over sharp edge weapon and sustained grievous injury near his chest and during treatment he succumbed to his injuries. The petitioner is in custody since 04.05.2024 and has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is also submitted that the post-mortem report of the deceased reveals that cause of death was due to cumulative effect of sharp edge weapon on chest, abdominal and head injuries. The witnesses have also supported the prosecution case. It is further submitted that there is direct and specific allegation against the petitioner of inflicting with *bhala* (spear) on vital parts of the body of the deceased Bharat Yadav. Hence, the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances



of the case, nature of accusation and the gravity of the offence,
this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected. The trial Court is directed to
expedite the Trial expeditiously.

(Rudra Prakash Mishra, J)

Rajorshi/-

U		T	
---	--	---	--

