

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63521 of 2023

Arising Out of PS. Case No.-136 Year-2023 Thana- ALOULI District- Khagaria

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DINESH YADAV S/O RAGHUNANDAN YADAV @ KALPU RESIDENT
OF VILLAGE RAUN PS ALAULI, DIST- KHAGARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Navin Kumar
For the Opposite Party/s	:	Mr.Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 31-01-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 147, 148, 341, 323, 354, 307, 337, 338, 325, 302 of the Indian Penal Code and Section 27 of the Arms Act.

As per FIR, the informant alleged that the petitioner and co-accused person were assaulting her due to previous dispute, and when her nephew came to save her in the meantime, the petitioner assaulted him by means of iron rod on his head due to which he sustained injuries and succumbed to injuries. It is further alleged that co-accused persons also fired with intention to kill but it did not hit anyone.



Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to previous enmity. There is case and counter case between the parties and both parties have sustained injuries as alleged in separate occurrence. It is further submitted that the petitioner is languishing in judicial custody since 03.04.2023.

Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail and submitted that there is specific allegation against the petitioner of assaulting upon the head of the informant's nephew by means of iron rod due to which he sustained injuries and succumbed to injuries. As per postmortem report doctor opined cause of death due to haemorrhage and shock caused by hard and blunt substance. It is further submitted that the petitioner has got one criminal antecedent.

Having heard the learned counsel for the parties and considering the fact that there is direct allegation against the petitioner of assaulting upon the head of the deceased, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.



The trial Court is directed to expedite the trial and conclude the same within nine months failing which the petitioner may renew his prayer for bail.

(Sunil Kumar Panwar, J)

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