

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70549 of 2023

Arising Out of PS. Case No.-87 Year-2022 Thana- DEV District- Aurangabad

Gaya Kumar Son Of Late Sukindar Yadav Resident Of Village - Narchi, P.S. -
Deo, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 05-03-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner has preferred this application for
grant of regular bail in connection with Dev P.S. Case no. 87 of
2022 registered under section 302 of the Indian Penal Code.

3. As per the prosecution case, the petitioner who
happens to be the nephew of the informant as a result of land
dispute is said to have given a blow with an iron rod on the
head of *bhabhi* of the informant leading to her death.

4. Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the case. From the
contents of the F.I.R it would transpire that the parties are
closely related to each other and the cause of false implication is
partition dispute between family members. The deceased



happened to be the *chachi* of the petitioner. The petitioner is in custody since 14.4.2022 and examination of witnesses has commenced in the learned trial Court. He undertakes to cooperate in the trial.

5. The application for bail is opposed by learned APP for the State who submits that the postmortem report supports the allegation in the FIR.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the FIR of having assaulted the deceased with an iron rod, the postmortem report supporting the allegation of assault as levelled in the F.I.R together with the trial having commenced in the learned trial Court, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Learned trial Court is directed to expedite the trial and conclude the same at the earliest preferably within a period of six months from the date of communication of this order.

(Partha Sarthy, J)

Harsh/-

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