

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75159 of 2023

Arising Out of PS. Case No.-117 Year-2021 Thana- SAKURABAD District- Jehanabad

Umesh Yadav, aged about 28 years, Male Son of Ramsharan Yadav, Resident of Village- Bandhubigha, P.S. Shakurabad, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 22-02-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Shakurabad PS Case No. 117 of 2021 instituted for the offences punishable under Sections 341, 323, 324, 308, 325, 307, 379 and 504/34 of the Indian Penal Code.

3. As per the prosecution case, petitioner along with co-accused came at the house of the informant started abusing, assaulting and committed theft of jewellery.

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 due to family partition dispute between the parties. Learned counsel for the petitioner



further submits that petitioner is the dewar of the informant. It has further been submitted that both the parties are own family members and they are living in one house after oral partition and the allegation of theft appears to be ornamental. The incident has been taken place on 15.07.2021 and the FIR has been lodged on 18.07.2021 and there is no any explanation of delay raising suspicion. There is general and omnibus allegation of assault against the petitioner.

5. Learned APP opposes the prayer for bail.

6. From perusal of the case diary, FIR, injury report of the victim and the impugned order passed by the learned District and Sessions Judge, Jehanabad dated 19.09.2023, it appears that petitioner is named accused in the FIR and there are two injured in this case. There is direct allegation against the petitioner of giving sword blow on the head of the informant which fact finds support from the injury report of the informant in which the doctor has found deep lacerated wound bleeding wound over parietal and occipital region approx (6"x3" x 1/4") besides other injuries on the person of person of the injured whereas the injured Lal Bahadur has also sustained Deep lacerated bleeding wound over back and other injuries on the person of the injured and so, the injury report also support the



prosecution case, however, petitioner is in custody since 05.08.2023, in this circumstances, nature of allegation and gravity of the offence, I am not inclined to grant bail to the petitioner at this stage.

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

8. The trial Court is directed to conclude the trial preferably within a period of six months from the date of receipt of a copy of this order with the co-operation of the petitioner. If the trial is not concluded, within the stipulated time, the petitioner shall be at liberty to renew his prayer for bail before the trial Court.

(Ramesh Chand Malviya, J)

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