

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75573 of 2023

Arising Out of PS. Case No.-423 Year-2020 Thana- JAGDISHPUR District- Bhagalpur

Bhairo Yadav Son Of Late Siddhu Yadav Resident Of Village- - Kola
Narayanpur, Ps- Jagdishpur, Dist- Bhagalpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar

For the State : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 23-01-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for bail in connection with Jagdishpur P.S. Case No. 423 of 2020 instituted for the offence under Sections 147, 148, 149, 341, 323, 302 of the Indian Penal Code.

3. As per allegation in the FIR, it is alleged that on 12.12.2020 when the informant along with his son Shekhar and Manish was returning from Jagdishpur, on the way, the accused persons including the petitioner surrounded them. Thereafter, they assaulted the informant and his sons due to which they sustained injuries and informant's son Shekhar Yadav died during course of treatment.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and committed no offence. There is general and omnibus allegation of assaulting against the petitioner. It is also submitted vide para 11 & 12 of the petition that the police has recorded the statement of Bipin Das who stated that deceased Shekhar Yadav was lying on road and his motorcycle was also inside the deceased. It is further submitted that after completion of investigation, the petitioner has not been sent up for trial but cognizance has been taken against him. Moreover, the petitioner is languishing in judicial custody since 8.9.2023.

5. Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail and submitted that the petitioner is named in the FIR who along with other co-accused persons is said to have assaulted the son of the informant Shekhar Yadav due to which he succumbed to injury. During course of investigation, it is evident from para 5 & 6 of the case diary, the statement of informant and his second son Manish Kumar has been recorded in which they supported the prosecution case and stated that the petitioner along with co-accused assaulted Shekhar Yadav by means of hockey and butt of rifle due to which he succumbed to injury. The postmortem report of the deceased corroborates the



prosecution case in which several injuries including multiple bruises of various sizes were found on lateral aspect of lower part of right side of abdomen and out of these injuries, one injury grievous in nature which is dangerous to life. Doctor also opined the cause of death is due to haemorrhage and shock. It is further submitted that the petitioner is notorious person who has got criminal antecedents in several cases.

6. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

7. The trial Court is directed to expedite the trial and conclude the same as early as possible.

(Sunil Kumar Panwar, J)

Amandeep/-

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

