

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85057 of 2023

Arising Out of PS. Case No.-217 Year-2023 Thana- BALIYA District- Begusarai

JAWAHAR YADAV Son of Chunchun Yadav R/o vill - Hussainichak, ward
no. 12, P.S. - Ballia, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

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

Mr. Amar Kumar Singh, Advocate

Mr. Rahul Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

7 19-07-2024 1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. The petitioner has preferred this application for
grant of regular bail in connection with Ballia P.S. Case no.217
of 2023 registered under sections 302, 307, 147, 148, 149, 341,
323, 325, 379 and 504 of the Indian Penal Code.

3. As per the prosecution case, the informant states
that on going to the house of Anil Yadav to ask for his money
back which he had taken on the occasion of marriage in his
family, they reacted adversely. Soon thereafter, the accused
persons including the petitioner herein came variously armed.
The petitioner is said to have assaulted Babita Devi with an axe
as a result of which she sustained injuries on her head and fell
down unconscious. She was taken to the hospital for treatment



and thereafter subsequently died.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. For an occurrence alleged to have taken place on 6.8.2023 at 8:45 pm, information was given to the police station only on 7.8.2023 at 3 pm and the FIR registered subsequent thereto. No information was given to the police earlier inspite of distance of the police station being only 3 kms from the place of occurrence. It is further submitted that postmortem examination report does not support the prosecution case insofar as while the alleged assault is said to have taken place with an axe, the postmortem report shows the injuries to have been caused by hard and blunt substance. The petitioner is in custody since 8.8.2023 and has no criminal antecedent. Chargesheet has been submitted in the case.

5. The application for bail is opposed by learned A.P.P for the State and learned counsel for the informant. Learned counsel for the informant submits that the petitioner is the sole/main assailant of the deceased. The postmortem report supports the prosecution case.

6. Having heard learned counsel for the parties and taking into consideration the direct allegation of assault against



the petitioner in the FIR and the corresponding injury having been found in the postmortem report, 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.

(Partha Sarthy, J)

Shiv/-

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

