

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4613 of 2024

Arising Out of PS. Case No.-92 Year-2016 Thana- BARACHATTI District- Gaya

Karu Yadav @ Umesh Yadav S/o Sidheshwar Yadav R/o Village-Manikchak,
P.S.- Barachatti (Mohanpur) Distt.-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deep Anshuman

For the Opposite Party/s : Mr.Satyendra Narayan Singh

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 01-04-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Barachattti (Mohanpur) P.S. Case No. 92 of 2016 instituted for the offences under Sections 341, 323, 326, 307, 504, 506, 34 of the Indian Penal Code and amended Section 302 of the Indian Penal Code.

3. The allegation against the accused persons including the present petitioner is of assaulting the son of the Informant. It is alleged that the petitioner assaulted the son of the Informant on his head by means of iron rod due to which he sustained head injury and later on, he succumbed to his injuries.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that there is no specific or direct allegation of assault against the petitioner rather the same is general and omnibus. He further points out that Section 302 of the I.P.C. is not attracted in this case as the date of occurrence is 24.03.2016 but, Section 302 of the I.P.C. was added on 12.04.2016. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 02.07.2023. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that there is direct and specific allegation of assault by iron rod against the petitioner on the head of the son of the Informant due to which he died. All the witnesses have also supported the prosecution case. The Inquest Report also corroborates the prosecution case and, thus, the petitioner does not deserve bail.

6. Having heard rival contention of both the parties and there being direct allegation of assault against the petitioner coupled with the fact that the Inquest Report supports the



prosecution case, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously preferably within a period of one year from today.

8. If the trial is not concluded within the aforesaid period of one year, the petitioner will be at liberty to renew his prayer for bail before the court below which will be disposed of on its merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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