

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37725 of 2025

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

Jawahar Yadav S/o Late Chunchun Yadav R/o Village- 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. Raj Kishor Prasad, Advocate
Mr. Ashok Kumar, Advocate
Mr. Gyanendra Kishor, Advocate
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 25-07-2025

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Sessions Trial no.744 of 2024, arising out of Balia 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 earlier application for bail of the petitioner was rejected vide order dated 19.7.2024 passed in Cr. Misc. no.85057 of 2023, directing the learned trial Court to expedite the trial. In spite of the petitioner having remained in custody since 8.8.2023 and charge having been framed in the learned trial Court on 3.1.2025, not a single witness has been examined on behalf of the prosecution. The petitioner undertakes to cooperate in the trial and to abide by any condition which may be laid by this Court for his release on bail.

5. The application for bail is opposed by learned A.P.P. for the State who submits that allegation against the petitioner is of having assaulted Babita Devi with an axe resulting in her sustaining injuries on her head, falling down injured and ultimately dying. The allegations are supported by the contents of the postmortem report.

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 3.7.2025, charge has been framed on 3.1.2025, however no witness out of the five charge-sheet witnesses has been examined on behalf of



the prosecution. Summons have been issued against the non-official witnesses.

7. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner of being the assailant of the deceased and 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.

8. Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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