

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10450 of 2015

Arising Out of PS.Case No. -412 Year- 2014 Thana -KAHALGAON District- BHAGALPUR

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1. Tidha Yadav @ Tuntun Yadav S/o Late Muneshwar Yadav Resident of
village - Ramnagar Bandra Bagicha, Police Station - Kahalgaon, District -
Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate.

For the Opposite Party/s : Mr. B.N. Pandey (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 07-04-2015 Heard both sides.

The petitioner seeks bail in Kahalgaon P.S. Case No.
412 of 2014, registered for the offences punishable under Sections
302 and other Sections of the Indian Penal Code and Section 27 of
the Arms Act.

The informant made allegation that while he along with
Pappu Khan and Chotelal Yadav were going on a motorcycle, nine
persons on three motorcycles came in which he identified Tidha
Yadav @ Tuntun Yadav the petitioner, Pankaj Kumar Mandal,
Gopal Mandal and Sonu Kumar Jha. They abused Pappu Khan.
The petitioner took pistol from Sonu Kumar Jha and fired on
Pappu Khan. Pappu Khan fell down and died during treatment.

Learned counsel for the petitioner submits that Juber

Khan the brother of the deceased made his statement in para-8 of the case diary, but he did not disclose the name of the informant and Chotelal Yadav which shows that informant and Chotelal Yadav were not present at the time of occurrence.

It appears that the informant has stated very categorically that he along with Pappu Khan and Chotelal Yadav was going on a motorcycle when the accused came and fired shot at Pappu Khan Juber Khan the brother of the deceased came later on.

Considering the facts aforesaid that petitioner fired at Pappu Khan and Pappu Khan died, I am not inclined to enlarge the petitioner above named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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