

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46122 of 2014

Arising Out of PS.Case No. -77 Year- 2014 Thana -SILAO District- NALANDA
(BIHARSHARIFF)

=====

Rajiv Yadav Son of Sri Ramotar Yadav @ Ram Awtar Yadav resident of
village- Kesharibigha, Police Station- Chhabilapur, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

5. 04.03.2015 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in Silao P.S. Case No.
77 of 2014 dated 19.06.2014 instituted under Sections 302/34
of the Indian Penal Code and 27 of the Arms Act.

Learned counsel for the petitioner submits that
though he has been named by the informant, who is the wife
of the deceased, and the allegation is that he along with two
others had fired but as per the postmortem report, there are
only two wounds on the chest. It is further submitted that
another witness Nawal Yadav has stated that four different
persons were seen fleeing away with arms towards the village
from the place of occurrence. Learned counsel submits that
there is past enmity as the deceased was accused of killing the
sister-in-law (Bhabhi) of the petitioner and that is why the
petitioner and others have been made accused. Learned

counsel submits that the petitioner is in custody since 20.06.2014.

Learned A.P.P., upon going through the case diary, opposes the prayer for bail. He submits that charring has been found near the wound indicating that the shot was fired from close range and thus the wife who was sleeping with the deceased was the best person to identify the culprits which has been done in the present case. It is further submitted that in what circumstances the other person is said to have seen different persons running away would not be proper for disbelieving the identification made by the informant at this stage.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail. Accordingly, the application stands dismissed.

However, the Court below shall expedite the trial and conclude the same within six months.

(Ahsanuddin Amanullah, J.)

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