

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48189 of 2014

Arising Out of PS.Case No. -386 Year- 2013 Thana -BIHPUR District- BHAGALPUR

1. Ajit Yadav @ Ajeet Yadav Son of Triveni Yadav resident of village-
Narayanpur, P.S.- Bihpur (Bhawanipur), District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rana Pratap Singh
For the Opposite Party/s : Mr. S.M.Rahman(App)

**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL**

ORAL ORDER

2 03-03-2015 Heard Mr. Rana Pratap Singh, counsel for the
petitioner and Mr. Dayal, A.P.P. for the State.

Petitioner is facing accusation punishable under
Sections 302/34 I.P.C. and 27 of the Arms Act vide
Naugachia(Bhawanipur) P.S. Case No.386 of 2013.

According to the First Information Report lodged by
father of the deceased, a crowd of persons armed variously with
weapons arrived at the scene of occurrence to look for one, Pappu
Yadav. He was not found. It is alleged that some of them came
near the son of the informant and petitioner opened fire at the
chest of the deceased. Another fire was shot by another accused

which however, did not hit. After committing assault, the accused escaped from the scene. Police subsequently arrived at the scene and forwarded the injured to the hospital where he succumbed to the injury. Seeing thus, according to the F.I.R., the petitioner is the main assailant.

Contention of the petitioner is that in relation to the same occurrence, another F.I.R. was lodged by Pappu Yadav vide Naugachia(Bhawanipur) P.S. Case No.387 of 2013 in which the different version of the cause of occurrence has been stated. However, the deceased in the said case is the same person. In the accused persons named therein, the name of the petitioner does not figure. On the strength thereof, it has been submitted that there is two versions of the case.

The learned A.P.P. on the other hand, submitted that as per the F.I.R., the petitioner is the main assailant.

I have considered the submissions of the parties. Perused the record including the facts which are manifest from the impugned order. In my view, the petitioner does not deserve bail in the present case. Prayer for bail is accordingly rejected.

Considering the fact that petitioner is in custody since December, 2013, it is observed that if the trial of the case is not taken up and charges are framed within eight months from the date

of receipt/production of this order, the petitioner is at liberty to
renew his prayer for bail.

(Kishore Kumar Mandal, J)

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