

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12991 of 2015

Arising Out of PS.Case No. -186 Year- 2014 Thana -BARARI District- KATIHAR

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1. Brahmadeo Yadav @ Brahmadeo Prasad Yadav S/o late Bidhyanand Yadav resident of Village- Sukhashan, P.S. Barari, (Semapur), District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Singh, Advocate

For the Opposite Party/s : Mr. Anusaiya Jaiswal(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 30-06-2015 Heard learned counsel for the petitioner and the State.

Petitioner is languishing in custody since 18.11.2014 in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 507, 307, 326, 354, 302 of the Indian Penal Code and 27 of the Arms Act.

It is alleged that the petitioner came armed with gun along with 12 accused persons and gave life threatening to the informant. On the alarm being raised by the informant, the villagers came to the place of occurrence, the petitioner resorted to fire on the informant which hit Arun Yadav, Manish Yadav and Guddi Devi. Subsequently, Guddi Devi succumbed to injury.

It is submitted by the learned counsel for the petitioner that as per the accusation petitioner had no intention to cause any injury to the three injured and accidentally Guddi Devi received the stray pellets. Moreover the injured was not given proper treatment as a result she died after five days of receiving injury. Hence, assuming the accusation no case under Section 302 of the Indian Penal Code is made out against the petitioner. Statement has been made in para-3 of the petition that petitioner has no criminal antecedent.

Considering the nature of accusation, this Court is not inclined to grant bail to the petitioner for the present in connection with Barari (Semapur) P.S. Case No. 186 of 2014, pending in the court of learned Chief Judicial Magistrate, Katihar.

(Dinesh Kumar Singh, J)

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