

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9559 of 2015

Arising Out of PS.Case No. -146 Year- 2012 Thana -MANSI District- KHAGARIA

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Ajay Yadav @ Faitar, S/o Bijendra Yadav, Resident of Village
Raghunathpur, Police Station Sahebpurkamal, District Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Dr. Amrendra Kumar, Advocate.

For the Opposite Party/s : Mr. Harendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 27-04-2015

Heard both sides.

The petitioner seeks bail in a case under Section 302 and others sections of the Indian Penal Code and Section 27 of the Arms Act.

The informant made allegation that his brother and others were surrounded by the petitioner and others and they made indiscriminate firing. From the side of his brother also, firing was made. The informant alleged that the petitioner fired which hit his brother and his brother died on the spot.

Dr. Amrendra Kumar, learned counsel for the petitioner, submits that indiscriminate firing was made. There is no specific allegation of firing against the petitioner. From the post mortem report, it would appear that some charring and blackening marks were also found which show that the deceased was killed by

firing from very close range and this fact itself shows the falsity of the case.

Having considered the fact that there is a very specific allegation against the petitioner that it was the petitioner who fired killing Sudhir Kapar, the brother of the informant, on the spot, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

The trial court is directed to expedite the trial and conclude the same within one year from the date of receipt of a copy of this order. If the trial is not concluded within the stipulated period of time, the petitioner may renew his prayer for bail firstly in the trial court.

(Prabhat Kumar Jha, J)

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