

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36337 of 2016

Arising Out of PS.Case No. -74 Year- 2015 Thana -PASRAHA District- KHAGARIA

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Pawan Yadav S/o Chandrika Yadav R/o Village - Ganaul, P.S. -
Bhabanipur, District - Bhagalpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Awadhesh Kumar Singh

For the Opposite Party : Smt. Renu Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 25-10-2016 Supplementary affidavit has been filed on behalf of the

petitioner. The same may be kept on the record.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case instituted under
Section 302/34 of the Indian Penal Code.

The allegation against the petitioner is that he along
with other co-accused is said to have committed murder of the
brother of the informant by firing and assaulting by the spade on
his neck.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 21.05.2016. The charge sheet has
been submitted in the present case. There is no allegation of

tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. There is admitted land dispute between the parties.

On behalf of the state, it has been submitted that the petitioner is named in the F.I.R. There is a specific overt act alleged against the petitioner. As per the First Information Report, the petitioner along with other co-accused is said to have fired upon the deceased, while he was taking bath in the river and assaulted him by spade. The same statement has been given by other witness in para-37 of the case diary. The postmortem report also corroborates the allegations made in the First Information Report.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Pasraha P.S. Case No. 74 of 2015, pending in the court of Sri Prakash, A.C.J.M.-II, Khagariya.

Anyhow, the court below is directed to take all necessary steps to expedite the trial.

(Sudhir Singh, J.)

Amit/-

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