

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43196 of 2016

Arising Out of PS.Case No. -116 Year- 2016 Thana -ALOULI District- KHAGARIA

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Prakash Yadav @ Ram Prakash Yadav, Son of Late Baldev Yadav,
Resident of Village Shumbha Gazi Ghat, P.S. – Alouli, District – Khagaria.
..... Petitioner

Versus

The State of Bihar

..... Opposite Party

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Appearance :

For the Petitioner : Mr. Md. Shahnawaz Ali, Advocate.
For the Opposite Party : Mr. Brajendra Nath Pandey, APP.
For the Informant : Mr. Anurag Saurav, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 13-12-2016 Heard both sides.

The petitioner seeks bail in Alouli P.S. Case No. 116 of 2016, registered for the offences punishable under Sections 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

The informant alleged that he heard sound of firing and saw in the light of cell that inside the hut of his brother Ashok Yadav, Prakash Yadav @ Ram Prakash Yadav, the petitioner, Ajab Lal Yadav, Gulo Yadav and Baleshwar Yadav were inside the hut and they were armed with pistol. Fuleshwar Yadav was outside the hut. Baleshwar Yadav, Ajab Lal Yadav and Gulo Yadav asked the informant to flee away and the accused persons went towards north. The informant saw the brother-in-law of his younger brother died under a cot and three firearm injuries were found on his body.

Sri Shahnawaz Ali, learned counsel for the petitioner submits that four persons were inside the hut and all were armed with



weapons. The informant did not see who fired on the deceased. The informant is not an eye witness of the occurrence. There is enmity between the petitioner and the informant. The petitioner is a witness in a case lodged from the side of the informant and that is why the petitioner has falsely been implicated in the case. It is further submitted that similarly situated accused namely Fuleshwar Yadav has already been enlarged on bail vide order dated 30.08.2016 in Cr. Misc. No. 36541 of 2016 but it appears that the case of the petitioner is on quite different footing as Fuleshwar Yadav was outside the hut. The informant named four persons including the petitioner who were inside the hut having armed with firearms and three firearm injuries were found on the body of the deceased.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on bail. Accordingly, the same is rejected.

The trial court is directed to expedite the trial.

(Prabhat Kumar Jha, J.)

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