

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31092 of 2016

Arising Out of PS.Case No. -115 Year- 2016 Thana -ARA MUFFSIL District- BHOJPUR

1. Mahabir Prasad @ Mahabir Yadav S/o Late Premchand Yadav
2. Jairam Yadav S/o Late Ram Prasad Yadav Both are resident of Village-
Bahiro, P.S. Nawada, Ara District- Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mr. Smt. Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 18-08-2016 Heard the counsel for the petitioner, the counsel
for the State as well as the Informant.

The two petitioner(s) are facing accusation in Ara
Mufassil P.S. Case No. 115 of 2016 registered under Sections
302/24 of the Indian Penal Code and 27 of the Arms Act

While the deceased was carrying potato from the
field, it is alleged that the accused(s) persons surrounded him
and five of them opened fire on the brother of the informant, as
a result whereof, he fell down. The informant rushed to the
place of the occurrence and carried the victim to the hospital
where he succumbed.

It is submitted that the informant does not appear

to be the eye witness. Owing to land dispute, the entire family members of the petitioner have been made accused(s). Autopsy report indicates only two fire arm injuries.

The counsel for the informant and State opposed the prayer and submitted that they are the assailants of the deceased. As per the FIR, the victim did receive fire arm injuries.

Looking to the nature of the allegations and the severity thereof, I am not persuaded to extend the privilege of anticipatory bail to the petitioner.

The prayer for bail is rejected.

(Kishore Kumar Mandal, J)

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