

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55466 of 2015

Arising Out of PS.Case No. -59 Year- 2015 Thana -LAXMIPUR District- JAMUI

1. Ajay Yadav son of Mushaharu Yadav, Resident of village- Jinhara, P.S.-
Lakshmi Pur, District- Jamui

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Opposite Party/s : Mr. Shyam Bihari Singh(App)

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 05-02-2016 Heard the learned counsel, Mr. Ram Sumiran Rai for the

petitioner, the learned counsel for the informant and learned

A.P.P. for the State.

The petitioner, Ajay Yadav is in custody in Laxmipur

P.S. Case No.59 of 2015 under Sections 302, 120B, 34 and 427 of

I.P.C. and 27 of the Arms Act.

It appears that the F.I.R was lodged by the informant

alleging that this petitioner along with other co-accused persons

assaulted Amit Singh who was driving the ‘Magic’ vehicle. The

co-accused, Bibhuti Pandey fired at the temple of the deceased and

this petitioner also fired at the said person who died but it did not

hit him.

The learned counsel for the petitioner submitted that the



other co-accused persons, Bambam Mishra and Lal Baba @ Ajay Mishra have already been granted regular bail in Cr. Misc. No.45369 of 2015 and Cr. Misc. No.41159 of 2015. According to the learned counsel, the informant is not the eyewitness and his statement is based on the information given by the khalasi namely Manish Kumar. The learned counsel further submitted that the doctor also found only one firearm injury on the person of the deceased.

On the other hand, the learned A.P.P. as well as the learned counsel for the informant vehemently opposed the prayer for bail and submitted that the case of other co-accused persons who have been granted bail is entirely different.

So far the case against the petitioner is concerned, he fired with firearm at the deceased. Perused the case diary. At paragraph 6, the statement of the khalasi who is the eyewitness has been recorded by the I.O. His statement is to the effect that this petitioner also fired with firearm and Bibhuti Pandey also fired. However, the firing of this petitioner did not hit.

So far the submission that the other co-accused persons have been granted bail, it may be mentioned here that the allegation against them is that they were assaulting the khalasi. So far the submission that only one firearm injury is found is

concerned, it is the case of the prosecution which confirms the prosecution case.

Since there is allegation of firing with firearm by the petitioner with Bibhuti Pandey in which one person has been killed, therefore, at this stage, I am not inclined to grant bail to the petitioner.

Therefore, the prayer for bail is hereby rejected.

(Mungeshwar Sahoo, J)

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