

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50271 of 2016

Arising Out of PS.Case No. -162 Year- 2015 Thana -MANSI District- KHAGARIA

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VIKKY YADAV @ BIKKY YADAV Son of late Bindeshwar Yadav All
Residents of Village- Thatha, P.S. - Mansi, District Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh

For the Opposite Party/s : Mr. Sri Parmanand Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 15-12-2016 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted under Sections 302/34 of the Indian Penal Code read with Section 27 of the Arms Act.

Allegation is that petitioner along with other accused persons came with variously armed at the field where informant along with his father and brother were working and shot fired by petitioner hit on the neck of father of informant.

It has been submitted on behalf of petitioner that he is in custody since 14.2.2016. Chargesheet has been submitted against petitioner. He has got no criminal antecedent. There is no allegation of tampering of witnesses against petitioner. There is admitted enmity between the parties and for the said reason petitioner has falsely been implicated in the present case. It is further submitted that accused, namely, Pappu Yadav, is said to have given first firing shot on the temporal region. The second shot was made by Bablu Yadav and third firing shot was made by this petitioner which hit on the neck of informant's father. From



perusal of the post mortem examination report it is apparent that there are two gun shot injuries on the body of the deceased.

On behalf of the State and the informant, it is submitted that firing made by Pappu Yadav hit on the temporal region causing wound of entry and exit. As far as petitioner and co-accused Bablu Yadav are concerned, both have fired causing injury on the neck of the deceased which is vital part of the body. Petitioner is also one of the assailant and bail of co-accused, namely, BabluYadav has been rejected vide Cr. Misc. no. 24953 of 2016. In course of investigation statements of witnesses made in paras- 5, 6, 7, 8 and 24 of the case diary have supported the prosecution case.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner, same is rejected.

Any how, the court below (Chief Judicial Magistrate, Khagaria) is directed to take all necessary steps to expedite the trial in connection with Mansi P. S. Case no. 162 of 2015.

(Sudhir Singh, J)

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