

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19290 of 2016

Arising Out of PS.Case No. -171 Year- 2015 Thana -DUMRAUN District- BUXAR

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1. Upendra Yadav, Son of Ram Samhut Yadav, resident of village- Pratap Sagar, P.O.- Purana Bhojpur, P.S.- Dumraon (Naya Bhojpur O.P.), District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manendra Kumar Sinha

For the Opposite Party/s : Mr. Rajiv Nayan(App)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

5 12-07-2016

Heard learned counsel for the petitioner and learned

counsel for the State as well as learned counsel for the Informant.

The petitioner is accused in connection with Dumraon P.S. Case No.171 of 2015 registered under sections 147, 148, 149, 447, 323, 326, 337, 302 of the I.P.C. and 27 of the Arms Act pending in the Court of Chief Judicial Magistrate, Buxar.

The accusation is that due to earlier dispute 10 persons named in the F.I.R., including the petitioner variously armed with weapons reached near the hut of the informant and at the orders of co-accused Jagdish Yadav and Narayan Kumar, this petitioner shot fire at Ajit Kumar, son of the informant, thrice causing injury, who rushed to the Hospital but declared dead.

Learned counsel for the petitioner submits that the

occurrence of *Mar-Pit* took place as alleged in the F.I.R. in which three persons also sustained injury from the petitioner's side regarding which Dumraon P.S. Case No. 170 of 2015 is instituted against the informant. It is also submitted that petitioner is in custody since 23.12.2015.

Learned A.P.P. appearing on behalf of the State opposed the prayer of the petitioner with submission that there is specific allegation against the petitioner to shot fire at the son of the informant, who was declared dead.

Having considered the facts and circumstances of the case and nature of allegation, I am not inclined to allow the prayer of the petitioner. Accordingly, prayer of the petitioner for bail is rejected.

(Rajendra Kumar Mishra, J)

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