

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36791 of 2015

Arising Out of PS.Case No. -2 Year- 2015 Thana -BARARI District- KATIHAR

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1. Dhananjay Yadav Son of Late Anandi Yadav resident of village - Karha
Gola Ghat, Police Station - Barari, District - Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Ram Shankar Das(Spl.App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

7 01-02-2016 Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offence punishable under section 302/34 of the I.P.C, section 27 of the Arms Act and section 3 (2) (v) of the SC/ST Act.

Allegedly, the petitioner and other co-accused demanded wine from Saurav Kumar Paswan @ Guddu, the son of the informant and when Guddu demanded earlier dues then there was hot discussion and in the meantime co-accused Puran Yadav caught hold Guddu and the petitioner shot bullet in front portion and co-accused Kumod Yadav shot in the back portion and thereafter the miscreants fled away with motorcycle and during treatment Saurav Kumar Paswan @ Guddu died.

Submission is of false implication and that the prosecution story appears not probable and reliable and the informant is not the eye witness which is evident from his further statement vide paragraph- 8 of the case diary, the petitioner being falsely implicated is suffering in custody since 02.06.2015 and as such he deserves sympathetic consideration, to which the learned A.P.P. opposes by submitting that the petitioner is also the assailant and two gun shot injuries have been found on the person of the deceased during inquest and also during postmortem examination and further the eye witness Sunil Kumar Paswan @ Vijay has also supported the prosecution version.

In the facts and circumstances as stated above, considering that the petitioner is also the assailant and as such this Court is not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Barari P.S. Case No. 02 of 2015 pending in the court of C.J.M. Katihar.

(Jitendra Mohan Sharma, J)

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