

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21442 of 2017

Arising Out of PS.Case No. -128 Year- 2016 Thana -SHEKHPURA District- SEKHPURA

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Indal Yadav Son of Sagar Yadav Resident of Village- Dani Bigha, P.S.
Sheikhpura (Kushumbha), District- Sheikhpura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar No.1, Advocate

For the Opposite Party/s : Mr. Chaubey Jawahar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 21-06-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
30.01.2017 in connection with Sheikhpura (Kusumbha) P.S. Case
No. 128 of 2016 pending in the Court of learned Chief Judicial
Magistrate, Sheikhpura registered for the offence punishable under
Sections 326, 307 and 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

The prosecution case is that while the informant along
with one Ashok Kumar @ Gorelal was returning on motorcycle
after election campaign, three persons variously armed with pistol
started firing, as a result of which informant sustained injury on
the left side of the chest and he fell down from the motorcycle and



Ashok Kumar jumped into the river and started running toward east. It is alleged that the said accused persons made 3-4 rounds firing and the informant reached his village from where he was taken to Sadar Hospital Sheikhpura for treatment. Later, informant came to know that Ashok Kumar @ Gorelal has been murdered.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated due to village politics, as both sides had contested election for the post of Mukhiya and just because of personal enmity, petitioner has been named subsequently by the informant, although in the initial statement informant had not named any accused person. It has further been submitted that the confessional statement of the petitioner before the police has no evidentiary value in the eye of law and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned counsel for the informant and the State vehemently oppose the prayer for bail and submit that another person, namely, Ashok Kumar @ Gorelal, who was travelling on the motorcycle along with the informant has been killed and the informant has received injuries by fire-arm.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the privilege of bail



to the petitioner at this stage. This application is, accordingly,
rejected.

(Nilu Agrawal, J.)

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