

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38807 of 2017

Arising Out of PS.Case No. -16 Year- 2017 Thana -SHEKHPURA District- SEKHPURA

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Nandan Yadav Son of Munna Yadav @ Padamdeo Prasad, R/o Mohalla-
Inday, P.S.- Sheikhpura, District- Sheikhpura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Bhaskar Shankar, Adv.

For the Opposite Party/s : Mr. Sri Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 19-09-2017 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

Deceased who was the Junior Engineer was regularly coerced by the Mukhiya representative Balmukund Yadav @ Ravikant and PRS Sunil Kumar of Kare Panchayat to fill up M.B. Book and for that, on the alleged date of occurrence, he was directed to come outside. As he refused, thereupon Nandan Yadav (petitioner), Raju Kumar and Dharmendra Paswan came, caught hold him and dragged outside where Balmukund was standing with pistol. PRS Sunil Kumar was also there. As he was resisting thereupon, on an order of Balmukund petitioner Nandan Yadav had shot at over his chest and then thereafter, all of them escaped. Deceased had made aforesaid statement before the informant Santosh Kumar Singh, O/c of Sheikhpura P.S. who was informed by the deceased to come and rescue him on his mobile. Deceased was admitted at Sheikhpura Sadar Hospital where, during course of treatment died.

Learned counsel for the petitioner has submitted



that when deceased had narrated the whole event then why not it was recorded as fardbeyan. Furthermore, it has also been submitted that from the postmortem report, it is evident that deceased would not be in a position to make any kind of statement. So the alleged dying declaration happens to be false.

The learned Additional Public Prosecutor opposed the prayer and submitted that aforesaid disclosure was made by the deceased while he was being carried to hospital.

Considering the status of the petitioner to be the sole assailant, prayer for bail is rejected.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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