

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28153 of 2016

Arising Out of PS.Case No. -251 Year- 2014 Thana -FALKA District- KATIHAR

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Amlesh Yadav son of late Jai Prakash Yadav resident of village- Chandpur,
Police Station - Falka,District- Katihar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

04/ 26-07-2017

Though, the matter is listed in today's daily
cause list at serial no. 128, this matter is being taken up out of turn
hearing on the basis of mentioning slip filed by learned counsel for
the petitioner.

The petitioner has renewed the prayer for bail
in connection with Sessions Trial No. 271 of 2015 arising out of
Falka (Pothia) P.S. Case No. 251 of 2014 registered for the
offences punishable under Sections 147, 148, 149, 341, 323, 324,
307 and 302 of the Indian Penal Code and section 27 of the Arms
Act, pending in the court of learned Additional Sessions Judge-I,



Katihar.

The prosecution case is that 13 FIR named accused persons variously armed surrounded the son of the informant where upon this petitioner caused fire arm injury on the neck of the son of the informant who subsequently succumbed to the injury. It is alleged against co-accused Rajendra Goswami to have caused injury with Dabia to Bilas Yadav.

It is submitted by learned counsel for the petitioner that there is a counter version of the occurrence being Falka (Pothia) P.S. Case No. 252 of 2014 where it has been alleged that the firing resorted by co-accused Dhirendra Yadav caused injury on the neck of the victim Birendra Yadav.

The report of the learned Sessions Judge, Katihar dated 26.07.2017 does not reflect that any witness has been examined but supplementary affidavit has been filed to the effect that P.W. 1 Sanjeev Kumar Yadav was examined on 17.06.2017, P.W. 2 Abhaynandan Rai was examined on 30.06.2017 and P.W. 3 Vikash Kumar Poddar was examined on 11.07.2017 but they have been declared hostile as they have not supported the prosecution case.

Considering the fact that the petitioner is the sole assailant of the victim, but keeping in view the fact that the



witnesses have not supported the prosecution case, the prayer for bail of the petitioner is rejected with liberty to the petitioner to renew the prayer for bail after recording of the deposition of the informant during trial.

DKS/-

(Dinesh Kumar Singh, J)

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