

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19424 of 2017

Arising Out of PS.Case No. -232 Year- 2014 Thana -BARH District- PATNA

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1. Kaushal Yadav Son of Sri Baudhu Yadav @ Baudhu Gope, Resident of
Village- Purai Bagh, P.S.- Barh, District- Patna Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Sidhendra Narayan Singh, Adv.

For the Opposite Party : Mr. Shyam Bihari Singh, APP 173

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 20-06-2017 Heard the learned counsel for the petitioner
and the State.

This is a petition for grant of regular bail for
offence under Sections 302/34 of the Indian Penal Code
and 27 of the Arms Act.

According to eye witness, Anil Kumar vide
paragraph 9 of the case diary, the petitioner and co-
accused, Rago Yadav, fired at the deceased, Sharavan
Kumar, which resulted in his death. The doctor has found
two fire arm wounds of entry on the person of the
deceased. The petitioner has got similar type of criminal
antecedent. He is in custody since 11.08.2016.

Submission of the learned counsel for the
petitioner is that if Anil Kumar was an eye witness of the
occurrence and he informed the occurrence to the
informant prior to lodging of the case, the first
information report should have clearly disclosed the name



of the real assailant, which is not there.

Considering the fact that eye witness can not be disbelieved, at this stage, I am not inclined to enlarge the petitioner on bail.

The prayer for bail is **refused**.

The learned trial Court is directed to expedite the trial.

(Birendra Kumar, J)

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