

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29108 of 2017

Arising Out of PS.Case No. -840 Year- 2016 Thana -BIHTA District- PATNA

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Shashi Bhushan Yadav @ Holi Yadav Son of Sri Krishna Yadav, resident
of Village- Doghra, Police Station- Bihta, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Sushil Kumar Singh

For the Opposite Party/s : Smt. Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 18-07-2017 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks regular bail in connection with
Session Trial No. 230/2017 arising out of Bihta P.S. Case No. 840
of 2016, registered for the offences punishable under Sections
302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation against the petitioner is of firing on the
deceased causing his death.

Submission of learned counsel for the petitioner is that
neither Bajrangi Yadav nor his son Raj Kishore Yadav in the
statement under Section 161 Cr.P.C. whispered about their
presence at the time of occurrence. The allegation is that the
scuffle was going on, is contradictory to the evidence of the



informant in FIR and further submission is that post mortem report shows the presence of rigor mortis and as such the occurrence has taken place earlier. As a matter of fact occurrence took place in other place and the petitioner has been falsely implicated as even from the place of occurrence no blood stain was found.

Heard learned APP as also counsel for the State.

They opposed the prayer for bail stating that the informant's witnesses have supported the allegation of firing by the petitioner.

Having heard both sides, in view of the direction allegation against the petitioner in the FIR supported by the other witnesses, as such, I am not inclined to grant bail to the petitioner. Hence the prayer for bail is rejected.

This application is accordingly dismissed.

(Vinod Kumar Sinha, J)

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