

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32716 of 2017

Arising Out of PS.Case No. -105 Year- 2016 Thana -BIHPUR District- BHAGALPUR

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1. Bikash Yadav Son of Radhe Yadav, Resident of Village- Salarpur, P.S.-
Parbatta, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Kumar Singh

For the Opposite Party/s : Mr. Sri Chandrasen Prasad Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 21-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
12.09.2016 in connection with S. T. No. 199 of 2017
corresponding to Bihpur P.S. Case No. 105 of 2016 for offences
punishable under Sections 147, 148, 149, 302 of the Indian Penal
Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that while he and his brother Kuldip Yadav were sitting at their
Basa, the petitioner along with other five named accused and 2-3
other un-known persons came to their Basa and enquired about
their father but on getting answer in negative, all the accused
persons started indiscriminate firing from the gun and pistol,



resultantly his brother Kuldip Yadav @ Kulo Yadav succumbed to the injuries. The cause of occurrence is land dispute between the accused persons and one Shankar Yadav, who is the relative of the informant.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent. He submits that the petitioner does not belong to the same village and the investigation has been done by the police in a perfunctory manner and the witnesses have not been examined.

However, learned APP for the State opposes the prayer for bail stating therein that the informant was the eye witness to the alleged occurrence and as many as 10 injuries of exit and entry wound have been found on the body of the deceased, caused by fire arms.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with S.T. No. 199 of 2017 corresponding to Bihpur P.S. Case No. 105 of 2016 pending in the Court of learned 2nd Additional Sessions Judge, Naugachhia, Bhagalpur.

(Nilu Agrawal, J)

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