

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35571 of 2017

Arising Out of PS.Case No. -198 Year- 2015 Thana -MANSI District- KHAGARIA

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Pappu Yadav, son of Shashi Yadav, resident of Village- Thatha, Police
Station- Mansi, District- Khagaria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan

For the Opposite Party/s : Mr. Sri Mukeshwar Dayal

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 15-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
09.07.2016 in connection with S.C. No. 355 of 2016 arising out of
Mansi P.S. Case No. 198 of 2015 for offences punishable under
Sections 302, 341, 147, 148 and 149 of the Indian Penal Code and
Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that while the informant and his brother Manoj Yadav (deceased)
were stacking grass, the petitioner along with four others came and
started indiscriminate firing. The allegation upon the petitioner is
of giving gun-shot injury on the head of the deceased Manoj



Yadav along with Ranvir Yadav and Malik Yadav and also giving gun-shot injury on the lower back.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that the petitioner does not have any criminal antecedent rather Manoj Yadav (deceased) was a veteran criminal and the petitioner and his family members have deposed against him, in a case under Section 302 of the I.P.C. pending against the deceased and for this reason false allegation has been made. He submits that one of the co-accused who had fired on the chest of the deceased has been granted privilege of bail by this Court in Cr. Misc. No. 30067 of 2017 on 16.08.2017 and that charge-sheet has already been submitted and the matter is at the stage of trial.

However, learned APP for the State opposes the prayer for bail stating therein that four injuries have been found on the deceased one on the skull and two on the neck.

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.C. No. 355 of 2016 arising out of Mansi P.S. Case No.198 of 2015, pending in the court of learned 1st Additional Sessions Judge, Khagaria.



The application is, accordingly, rejected.

However, the learned court below is directed to expedite the trial.

(Nilu Agrawal, J)

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