

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28138 of 2017

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

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1. Malik Yadav, son of Buchhi Yadav, resident of Village- Thatha, P.S.-
Mansi, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Siddhartha Prasad

For the Opposite Party/s : Mr. Sri Arbind Kumar Pandey

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

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

Petitioner is languishing in judicial custody since
22.12.2015 in connection with Mansi P.S. Case No. 198 of 2015
for offences punishable under Sections 147, 148, 149, 341, 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 Manoj Yadav, (deceased) were returning
after cutting grass, the petitioner along with four other accused
persons fired on his brother as a result he succumbed to the
injuries. The cause of occurrence is an old enmity between the
parties.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal antecedent and has been falsely implicated in the present case. He submits that there is no eye witness of the alleged occurrence and the story has been concocted by the informant. He further submits that the post-mortem does not specify the injury caused by the petitioner and that charge-sheet has already been submitted hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail stating therein that the informant is an eye witness to the alleged occurrence and the allegation of the petitioner is hitting on the skull of the deceased, which has been corroborated by the post-mortem report. .

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 Mansi P.S. Case No. 198 of 2015 pending before learned Addl. Sessions Judge-1st, Khagaria.

(Nilu Agrawal, J)

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