

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29015 of 2017

Arising Out of PS.Case No. -131 Year- 2016 Thana -KHODABANDPUR District- BEGUSARAI

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Rajeev Yadav Son of Lakhindra Yadav, Resident of Village- Pul Pathar,
P.S.- Khodawabandpur, (Chhowrahi O.P.), District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha

For the Opposite Party/s : Mr. Sri Chaubey Jawahar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 29-08-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner seeks bail in connection with Khodabandpur
P.S. Case No. 131 of 2016 for offences punishable under Sections
147, 148, 149, 302 of the Indian Penal Code and under Section 27
of the Arms Act.

The prosecution case, as lodged by the informant, is
that while he and his brother Prahalad Kumar Yadav (deceased)
and his wife Sumitra Devi had gone to the field the petitioner
along with 13 other co-accused named in the F.I.R. and 4-5
unknown persons armed with weapons and pistol assaulted his
brother and allegation upon the petitioner along with two others is
of causing fire arm injury as a result his brother succumbed while



being taken to the hospital.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case due to land dispute between the parties. He submits that the petitioner is languishing in judicial custody since 09.11.2016.

However, learned counsel for the informant as well as learned APP for the State oppose the prayer for bail stating therein that the informant and the deceased's wife Sumitra Devi were eye witness to the alleged occurrence and the witnesses have supported the prosecution case.

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 Khodabandpur P.S. Case No. 131 of 2016, pending in the court of learned S.D.J.M, Manjhoul, Begusarai.

The application is, accordingly, rejected.

(Nilu Agrawal, J)

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