

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35098 of 2017

Arising Out of PS.Case No. -2 Year- 2017 Thana -KAJRA District- LAKHISARAI

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Bhopal Yadav Son of Yaddu Yadav, R/o Village- Punadih, P.S.- Kajra,
District- Lakhisarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. D.K.Sinha, Sr. Advocate Mr. Kamal Kumar Sinha, Mr. Manoj Kumar, Advocates
For the State	:	Mr. Bipin Kumar Yadav, APP
For the Informant	:	Mr. Mahendra Thakur, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 19-09-2017 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody since 28.02.2017 in connection with Kajra P.S. Case No. 02 of 2017 for the alleged offences under Section 147, 148, 149, 323, 324, 325 and 307/504 of the Indian Penal Code and later on added Section 302 IPC and Section 27 of the Arms Act.

3. Learned Senior Counsel appearing for the petitioner submits that the petitioner has been falsely implicated and the accusations are general and omnibus in nature. The informant's son has subsequently stated in course of investigation that the gun shot was fired by co-accused Mahesh and not the petitioner. Similarly situated co-accused Kishori Yadav has since been granted bail by this Court in Cr. Misc. No. 41300 of 2017 after noticing that there was only one gun shot injury in the post mortem report and eight persons have been made accused.

4. Learned APP assisted by learned counsel for the



informant appearing *suo motu* opposes the bail petition submitting that the fardbeyan of the informant who himself has subsequently died and he has stated that apart from the firing made by one of the accused persons, other persons assaulted with lathi, danda and kicks. It is further submitted that the cause of death was not gun shot injury on the leg rather it was caused by hard and blunt substance which supports the accusation of assault by the petitioner.

4. Having regard to the nature of accusations and gravity of the offence alleged, this Court is not inclined to grant privilege of bail to the petitioner. The bail petition stands dismissed.

(Vikash Jain, J)

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