

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17270 of 2018

Arising Out of PS.Case No. -86 Year- 2016 Thana -FULKAHA District- ARRARIA

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Bhupen Yadav @ Bhupendra Yadav S/o Bholu Yadav Resident of Village-
Acharya P.S. Fulkaha District-Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate

For the Opposite Party/s : Mr. Sri Sakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

3 27-04-2018 Heard learned counsel for the petitioner and learned APP
for the State.

This is a case registered under Sections
147,148,149,302,120(B) of the Indian Penal Code and 27 of the
Arms Act in connection with Fulkaha P.S. Case No. 86 of 2016
pending in the Court of Judicial Magistrate 1st Class I/C Araria.

It is submitted by the petitioner's counsel that falsity of the
allegation is evident from the fact that though the FIR alleges the
incident occurred at 5.30 P.M and postmortem conducted within
six hours but the postmortem reports suggests that the death
occurred within 24 hours.

This Court finds that there is specific allegation of causing
firearm injury by the petitioner along with four other co-accused.



The post mortem report also corroborates the death within 24 hours of the injury which clearly covers the alleged occurrence at 5.30 P.M.

Considering the nature of allegations, this Court is not inclined to allow the petitioner's prayer for bail.

The prayer is therefore, rejected.

(Madhuresh Prasad, J)

Prakash/-

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