

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55372 of 2018

Arising Out of PS.Case No. -80 Year- 2015 Thana -MANSI District- KHAGARIA

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1. Dharo Yadav son of Late Pulis 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. Bishweshwar Ram, Advocate.

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 08-10-2018

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Mansi P.S. Case No. 80 of 2015 instituted for the offence under Sections 307, 302, 120(B)/34 of Indian Penal Code and Section 27 of the Arms Act pending in the court of learned Chief Judicial Magistrate, Khagaria.

It is alleged in the written report that husband of the informant along with two persons as named in the written report proceeded on a Motorcycle for Khagaria. The informant followed her husband on another Motorcycle which was being driven by her son Rajesh Sah. It is further alleged that husband of the informant reached near *Badla Ghat* Bridge, 6-7 accused persons intercepted him and started making firing upon him. He tried to run away



towards east and fell down on the bank of river. Thereafter, the accused persons started indiscriminate firing upon husband of the informant. The informant along with her son reached near her husband. They found him wriggling with fire-arm injuries and told that petitioner along with co-accused Awadh Yadav and Banti fired shot on him. Husband of the informant was brought to the Sadar Hospital from where he was referred to Begusarai and thereafter to PMCH Patna for better treatment, but he died at the Gate of Hospital in Patna.

Case diary has been received.

Further statement of informant and statement of her son has been recorded in paragraphs-9 and 10 of the case diary wherein they have stated that deceased told them that petitioner along with Awadh Yadav and Banti Yadav had caused firearm injuries to him.

Post mortem report is available in the case diary which shows the cause of death due to haemorrhage on account of firearm injury. Total five injuries were found on the person of the deceased caused by firearms.

In the written report there is specific allegation against the petitioner of causing firearm injury to husband of the informant (since deceased).



Therefore, this Court is not inclined to grant bail to the petitioner at this stage.

Prayer for bail of the petitioner stands rejected.

Petitioner may renew the prayer for bail after one year if no substantive progress is made in the trial.

S.Ali/-

(Sanjay Priya, J)

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