

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18501 of 2018

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

=====

1. Mithilesh Yadav @ Mithilesh Kumar Yadav S/o Deo Nandan Yadav, R/o Village- Achra, P.S.- Fulkaha, Distt.- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh & Ramesh Kumar Singh

For the Opposite Party/s : Mr. Yogendra Kumar Singh(App)

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

5 19-07-2018

Heard learned Counsel for the petitioner and the State.

Petitioner, already in custody since 28.7.2017 seeks bail in Fulkaha PS Case No. 86 of 2016 registered under Sections 147, 148, 149, 302, 120B of the IPC and Section 27 of the Arms Act.

The allegation in brief is that in the evening the informant's husband was surrounded by the accused persons, some of them caught hold of him and it is alleged that Sanjeev Yadav shot at his fact, Bhupen Yadav, Bhuwan Yadav, Ranjeet Yadav and Rakesh Yadav shot at him and when he fell down then this petitioner also shot in his head.

Learned Counsel for the petitioner submits that the informant is not the eye witness, she only claims to be eye witness, there is delay of two and half hours in lodging the FIR though the IO had immediately reached in the hospital after receiving information, the deceased himself was a man of criminal background and land dispute was with Ramanand and other accused persons and not with the petitioner.

Whereas, learned Counsel for the State submits that there is specific accusation against the petitioner of shooting at the head of



the deceased; several fire arm injuries were found on his person including injury on his head by fire arm.

Having considered the said facts and circumstances as also the specific accusation against the petitioner, the prayer for bail of the petitioner is rejected.

The trial court is directed to expedite the trial and preferably conclude the same within a period of one year and if the same is not concluded the petitioner may renew his prayer for bail.

(Arun Kumar, J)

Snkumar/-

U		T	
---	--	---	--

