

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29144 of 2018

Arising Out of P.S.Case No. -510 Year- 2017 Thana -SIWAN MUFFASIL District- SIWAN

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Vijai Yadav, son of Ramanand Yadav, Resident of Village- Ramapali, P.S.-
Siwan Muffasil, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1, APP
For the Informant : Mr. Prashant Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 04-07-2018 Heard learned counsel for the petitioner, learned
counsel for the Informant and learned APP for the State.

The petitioner is in custody in connection with Siwan
Muffasil P.S.Case No.510 of 2017 pending in the Court of CJM,
Siwan registered for an offence under sections 341, 323, 324, 307,
302 and 504/34 of the IPC and Section 27 of the Arms Act.

The allegation as per fardbeyan is that altogether eight
FIR named accused came at the house of the informant and
assaulted him and his family members. The allegation against this
petitioner is that he on the order of his brother brought a gun from
his house and shot fire causing the death of brother of deceased
Sukhdeo Yadav on the spot.

It has been submitted that the gun was recovered from



the house of the petitioner and there is no ballistic report to corroborate that the said gun was used in committing murder of the deceased. It has been alleged that it was the informant and his family members who brutally assaulted the petitioner and his family member. The police have submitted chargesheet.

The learned APP as well as learned counsel for the informant opposed the submissions.

On perusal of the FIR and case diary. This petitioner is main assailant who shot fire resulting the death of the deceased at the spot. The witnesses including the injured witness have supported the allegation of causing fire arm injury by this petitioner. The doctor has also reported cause of death due to injury sustained by fire arm.

In the facts and circumstances of the case, prayer for bail is rejected.

(Sanjay Kumar, J)

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