

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22022 of 2019**

Arising Out of PS. Case No.-28 Year-2017 Thana- PIRPAINTI District- Bhagalpur

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NILESH YADAV @ NILESH JADAV Son of Ramashish Yadav Resident of  
Madhuban tola, P.S.- Pirpanti, Distt – Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate  
For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

3      30-05-2019                      Heard learned counsel for the petitioner and the  
  
learned APP for the State.

The petitioner seeks bail in Pirpanti P. S. Case No.  
28 of 2017 instituted for the offence under Section(s) 302/34 of  
the Indian Penal Code and Section 27 of the Arms Act.

It is alleged in the written report that on the date of  
occurrence, the informant along with his cousin brother, namely,  
Amit Kumar @ Bittu and Uncle Binod Yadav proceeded on  
motorcycle to Madhuban Diyara to see their maize field.  
Santosh Yadav @ Bauka Yadav ( since deceased) accompanied  
them on another motorcycle. They crossed Bairiya Ghat  
Margang and reached at their field at about 10.30 AM. Santosh



Yadav ( since deceased) after loading maize plants on his motorcycle was returning to his house at 11.30AM. The informant and others followed Santosh Yadav. It is further alleged that no sooner at about 11.45 AM when Santosh Yadav crossed footway at Margang, the petitioner and other accused persons intercepted him and opened indiscriminate firing. It is alleged that Santosh Yadav received injury and fell down. It is further alleged that petitioner and Rajesh Yadav caused firearm injury to Santosh Yadav on his head. It is further alleged that informant raised *hulla* upon which co-accused Manoj Yadav and Saryu Yadav also fired on informant. Subsequently, Santosh Yadav died due to firearm injury in course of treatment.

Case diary has been received, wherein, re-statement of informant is available at paragraph no.6 of the case diary and statement of other witnesses is available at paragraph nos. 12 13,24 and 25 of case diary, wherein, all have supported the prosecution case levelling specific allegation against this petitioner of causing firearm injury to Santosh Yadav. The doctor has found total five injuries on the person of deceased which includes firearm injury on the head of deceased.

Therefore, this Court is not inclined to grant bail to the petitioner at this stage. The prayer for bail of the petitioner



stands rejected.

Trial Court is directed to expedite the trial.

**(Sanjay Priya, J)**

shyambihari/-

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