

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37016 of 2019

Arising Out of PS. Case No.-112 Year-2018 Thana- MAHISHI District- Saharsa

PRABHAKAR YADAV Son of Sakaldev Yadav Resident of Village - Sirwar,
P.S.- Mahishi and Dist.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh
For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 13-08-2019 Heard the learned counsel for the petitioner, informant
and the learned A.P.P. for the State.

The petitioner seeks bail in Mahishi P.S. Case No. 112/2018, instituted for offences under Sections 147, 148, 149, 341, 342, 307, 324, 302 and 120(b) of the Indian Penal Code read with Section 27 of Arms Act.

It is alleged in the written report that on the date of occurrence, nephew of informant, Rajiv Kumar Yadav and his friend Vikash Yadav had gone with this petitioner and one Sadhu Yadav for attending Baraat. It is alleged that at 7:30 P.M. in the evening villagers of informant informed him that petitioner and other named accused persons were assaulting his nephew and his friend by means of butt of rifle near Jin Moin River. They disclosed that Vikash Yadav tried to flee away but



co-accused Sadhu Yadav made firing in his waist. Any how he managed to flee away. They further disclosed that petitioner fired shot on the head of his nephew, Rajiv Kumar Yadav on account of which he fell down. Thereafter co-accused Ajit made firing on Rajiv Kumar Yadav and fled away.

Post-mortem report is available in case diary, wherein doctor has found firearm injury on the head of nephew of informant.

Learned counsel for informant has submitted that there is specific allegation against this petitioner in the written report.

Considering the fact that there is direct allegation against this petitioner of causing firearm injury on the head of nephew of informant, this Court is not inclined to grant bail to petitioner. Accordingly, prayer for bail of petitioner is rejected.

Petitioner is in custody since 03.12.2018.

The trial court is directed to expedite the trial and conclude the same within a period of nine months from the date of receipt/production of copy of this order by giving short adjournment.

The petitioner is given liberty to renew prayer for bail in the event trial is not concluded within aforesaid period.

(Sanjay Priya, J)

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