

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41449 of 2019

Arising Out of PS. Case No.-28 Year-2010 Thana- PALI District- Jehanabad

Awadhesh Yadav @ Bhana Yadav @ Avadhesh Singh Son of Ram Bishun
Yadav Resident of Village - Lodipur, P.S.- Pali, Dist.- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Verma, Advocate

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 18-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner who is in custody since 06.02.2019 has filed the instant application for grant of bail in connection with Pali P.S. Case No. 28 of 2010 registered for the offence punishable under sections 147, 148, 149, 341, 342 and 302 of the Indian Penal Code and section 27 of the Arms Act.

As per the allegation in the FIR, while the informant was sleeping in his house with his wife, the five named accused persons including this petitioner entered his house. It is alleged that Surendra Yadav shot the informant's father Chhedu Yadav in his chest with a rifle while the petitioner shot the informant's father with a country made carbine in his chest. It is further alleged that the co-accused Subai Yadav also fired but Nanhak Yadav, cousin brother of the informant somehow managed to



escape injuries.

It was submitted by learned counsel for the petitioner that on investigation final form was submitted in the case in the year 2013, however, cognizance was taken in the year 2016. Further, from perusal of the case diary, it was submitted that the informant has practically disowned his statement in the FIR. It was further submitted that co-accused Surendra Yadav has been granted bail by order dated 25.01.2019 passed in Cr. Misc. No. 76699 of 2018.

The application for bail was opposed by learned APP for the State submitting that the inquest report as also the postmortem report which have been incorporated in the case diary support the prosecution case. Further the report of Forensic Science Laboratory has been incorporated in paragraph 97 of the case diary and from perusal of the said report it would transpire that the bullet had been fired from the said country made firearm.

Having heard learned counsel for the parties and on going through the order dated 25.01.2019 passed in Cr. Misc. No. 76699 of 2018, it transpires that one of ground taken for grant of bail to the said accused Surendra Yadav is that the postmortem does not suggest that the father of the informant received any



injury. However, from perusal of the postmortem report of Chhedu Yadav incorporated in the case diary shows a gun shot injury on his chest. Thus, in view of the facts and circumstances of the case as also in view of there being direct allegation against this petitioner of having shot the informant's father in his chest, the Court is not inclined to grant bail to the petitioner and as such the application for bail of the petitioner is rejected.

(Partha Sarthy, J)

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