

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50380 of 2019

Arising Out of PS. Case No.-466 Year-2018 Thana- BAHADURPUR District- Darbhanga

Prabhas Yadav, aged about 30 yrs. Male, S/o Gartu Yadav, R/o Village
Taralahi, P.S.- Bahadurpur, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jagannath Singh, Adv.

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 16-11-2019 The petitioner, who is in custody since 27.10.2018,

seeks bail in connection with Sessions Trial No. 54 of 2019

arising out of Bahadurpur P.S. Case No. 466 of 2018, dated

24.10.20158, instituted for the offence under Sections 149,

342, 323, 504, 307 and 302/34 of the Indian Penal Code

and Section 27 of the Arms Act.

On the asking of the petitioner, the elder brother of

the informant came at a place where he was surrounded by



many persons and the first fire was opened at him by the petitioner. Thereafter another associate of the petitioner fired from his pistol. The informant claimed to have rushed to save his brother, who was also attempted to be caught hold of. Three other persons also are said to have fired, but the informant has not stated whether the firing resorted by those persons also hit the deceased.

Mr. Jagannath Singh, learned Advocate for the petitioner has submitted that since the deceased was found to have received seven gun shot injuries and the accusation in the F.I.R. is that the firing resorted to by two of the accused persons, one being the petitioner, hit the deceased, therefore, the entire prosecution case is false. The second argument of Mr. Singh is that the deceased has many cases to his credit, but according to the information of the petitioner, thirteen cases about which the petitioner could learn and they have been noted in one of the paragraphs of this bail application.

Both the aforesaid grounds have been noted to be rejected as the petitioner is one of the main assailants of the



deceased.

The further argument that there is a counter version of the occurrence, will also not come to the avail of the petitioner.

Considering the aforestated facts, the prayer for bail is rejected.

The trial of the petitioner must proceed in right earnest and the Trial Court should continue and conclude the same without any delay.

The petition is dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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