

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51517 of 2019

Arising Out of PS. Case No.-110 Year-2018 Thana- SIMRI District- Darbhanga

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SIWAM @ SIWAM YADAV @ SHYAM KISHORE YADAV Son of Late
Jageshwar Yadav Resident of Village - Chandih, P.S.- Bahadurpur, Dist.-
Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Yogendra Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 20-08-2019 Heard both sides.

The petitioner apprehends his arrest in Simri P.S. case
No. 110 of 2018 registered under Section 147, 148, 149, 341,
326, 307 of the IPC and u/s 27 of Arms Act.

There is specific allegation against the petitioner that
he fired causing injury in the abdomen of the informant. Other
accused persons also made firing and Irfan, brother-in-law of
informant, got injury on his leg. The informant got treatment in
the clinic of Dr. Shabbar Ahmad and his brother-in-law was
referred to Patna.

The learned counsel for the petitioner submits that
during the course of investigation it has come that informant and
others had no land or mango orchard near the place of



occurrence. The informant and others had come to grab the land but many villagers came there and there was scuffle and in such scuffle informant got fire arm injury in his abdomen. The doctor has opined that the projectile is upward in movement and this fact itself shows that from below the abdomen somebody made firing. It is further submitted that co-accused Vijay Yadav has already been granted bail vide order passed in Cr. Misc. No. 66434 of 2018 and the case of petitioner stands on the same footing but it appears from perusal of the FIR as well as the impugned order that there is specific allegation that it was the petitioner who fired causing injury in the abdomen of informant. The case of petitioner stands on quite different footing as there is no allegation of firing against Vijay Yadav.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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