

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4534 of 2019

Arising Out of PS. Case No.-413 Year-2017 Thana- BAKHTIYARPUR District- Patna

Kamlesh Kumar Yadav Naresh Yadav Resident of Village-Madhopur, P.S.-
Bakhtarpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Murli Manohar Singh
For the Opposite Party/s : Mr.Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 25-02-2019 Heard learned counsel for the parties.

Petitioner seeks bail in **Bakhtiarpur P.S. Case No. 413 of 2017** registered for the offence punishable under Sections 147, 148, 149, 307 and 302 of the Indian Penal Code.

Informant in his fardbeyan has alleged that when he was on his roof, petitioner along with FIR named accused came and started beating the door with bricks and in the meantime when the Informant looked down from his roof then accused Kamlesh Yadav fired upon him but he saved himself and when his nephew Rahul Kumar came and asked about what happened then accused Kamlesh Yadav and Kaushal Yadav fired upon him which hit his thigh and thereafter all accused persons fled away. Rahul Kumar was admitted in the Hospital and during the course of treatment he died.



It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. During course of investigation not a single witness has turned up to support the case of prosecution. Petitioner is in custody since 19.07.2018.

Considering the aforesaid facts and circumstances of the case and the fact that there is direct allegation of firing upon the person of the deceased by the petitioner, I am not inclined to enlarge the petitioner on bail at this stage. Hence, the prayer for bail of the petitioner is hereby rejected.

However, it is observed that the petitioner may renew his prayer for bail after completing one year of jail custody.

(S. Kumar, J)

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