

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63817 of 2019**

Arising Out of PS. Case No.-76 Year-2016 Thana- FATEHPUR District-
Gaya

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BIRENDRA YADAV @ UMESH YADAV S/o Late Babulal Prasad Yadav
Resident of Village- Raato, P.S.- Fatehpur, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Ajay Kumar Sinha, Advocate.

For the Opposite Party: Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 04-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 19.06.2019 in connection with Fatehpur P.S. Case No. 76 of 2016 for the offences alleged under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. It is submitted that the petitioner has been falsely implicated in connection with murder of Srikant Yadav, son of the informant. It is submitted that apart from the petitioner, co-accused Sanoj Yadav @ Rinku Yadav, Sunil Yadav and Ajay Yadav are all said to have fired upon the victim. Statement is made at the bar that upon trial, co-accused Ajay Yadav has since been acquitted.

4. This Court takes note of the statement of learned



counsel for the petitioner, that the petitioner did not join in the trial which proceeded against co-accused Ajay Yadav. There is direct allegation that the petitioner was one of the persons who has fired upon the deceased. The petitioner is accused in one prior case under Section 302 IPC.

5. Having regard to the nature of accusations and the gravity of the offence alleged, this Court is not inclined to grant the privilege of bail to the petitioner. The petition stands dismissed.

(Vikash Jain, J)

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