

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6222 of 2020**

Arising Out of PS. Case No.-602 Year-2019 Thana- BUXAR District- Buxar

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YASHWANT YADAV Son of Late Khunti Yadav Resident of Village -
Lalganj, P.S.- Buxar (M) Buxar, District - Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Thakur,Advocate

For the Informant : Mr. Digvijay Ojha, Advocate

For the Opposite Party/s : Mr.Satya Nand Shukla,APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 11-06-2020 This application has been placed for consideration

by the order of the Hon'ble the Chief Justice through virtual

court proceeding.

Heard Mr. Ajay Kumar Thakur, learned counsel for
the petitioner, learned APP for the State and Mr. Digvijay Ojha,
learned counsel for the informant.

The petitioner in the present case is seeking regular
bail in connection with Buxar (T) P.S. Case No. 602 of 2019
registered for the offences punishable under Sections 147, 148,
149, 302 of the Indian Penal Code and Section 27 of Arms Act.

Mr. Thakur, learned counsel for the petitioner submits
that although in the First Information Report it is alleged that
this petitioner was seen along with the co-accused at the place
of occurrence and allegedly the petitioner had caused firearm



injury on the back of the deceased but in course of investigation the witnesses such as Ram Dayal Singh and Ajay Singh who are related to the deceased have stated that they had not identified this petitioner. Learned counsel submits that because of admitted old enmity this petitioner has been falsely implicated.

Learned APP for the State as well as learned counsel for the informant have opposed the prayer for regular bail of the petitioner. Learned counsel for the informant submits that from the First Information Report itself it will appear that the deceased who was an advocate of the Buxar Court was killed in the broad-day light just outside the gate of the Civil Court. The informant is an eye-witness to the alleged occurrence and in the First Information Report, it is specifically stated that Yashwant Yadav (petitioner) had fired from the firearm in his hand which hit on the back of the deceased. It is pointed out that the post mortem report describes as many as eight injuries on the dead body and the very first injury noted in the post mortem report is lacerated wound and the post mortem report refers two firearm injuries on the back of the deceased. Injury no. 3 and 4 which are entry and exit wound on the back and injury no. 7 and 8 are also on the back and this fully support the FIR. According to him, this petitioner is the main assailant and in the case diary it



has also come that he has criminal antecedent. In paragraph '3' of the present application also the criminal antecedent of the petitioner has been stated and that includes one case under Section 302 IPC and two other cases of serious nature.

Having heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant, as also on perusal of the records, this Court has noticed that this petitioner has allegedly actively participated in the alleged occurrence. There is a direct allegation against him of opening fire on the deceased which hit him on the back and thereafter the deceased suffered several injuries by co-accused and the manner in which occurrence has been given effect outside the Civil Court premises, there being materials supporting that the petitioner is a direct assailant having criminal antecedent, I am not inclined to grant regular bail to the petitioner.

This application is dismissed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Rajeev

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

