

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9543 of 2020

Arising Out of PS. Case No.-222 Year-2019 Thana- DHAMDAHA District- Purnia

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YOGESH YADAV @ YOGESH KUMAR YADAV @ YUGESH KUMAR
YADAV @ YUGESH Son of Radhe Yadav Resident of Village - Bajaraha
Diyara, P.S.- Dhamdaha, Distt.- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Mallick, Advocate
For the Opposite Party/s : Mr.Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 01-07-2020 Heard both sides through Video Conferencing.

The petitioner seeks bail in Dhamdaha P.S. Case No.222 of 2019 registered under Sections 302, 307 and other Sections of the Indian Penal Code.

The informant named altogether ten persons in the F.I.R. and 14-15 unknown persons and alleged that when the cousin of the informant along with others went to forbid the accused persons not to uproot paddy seedling, the petitioner fired at Mantu Yadav on his chest. Munna Yadav fired from his country made pistol on the head of Mantu Yadav. Other accused persons assaulted the informant and other family members of the informant.

The learned counsel for the petitioner submits that of



course the informant made specific allegation against the petitioner that petitioner fired at the chest of the deceased(Mantu Yadav) but later on, the informant himself stated that the accused persons called some unknown persons who killed the deceased by firing. This fact itself shows that informant is not an eye witness of the occurrence. The petitioner is in possession of the land since 1960. Bataidari case was decided in favour of the petitioner but informant wanted to dispossess the petitioner from the land and that is why the occurrence took place but it appears that informant made specific allegation that it was petitioner who firstly fired which hit on the chest of the deceased(Mantu Yadav) and Munna Yadav fired on his head causing the death of the deceased on the spot. The informant stated that named accused persons along with unknown came for the occurrence but since specific allegation of firing is made against the petitioner resulting the death of Mantu Yadav, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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