

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13333 of 2020

Arising Out of PS. Case No.-277 Year-2019 Thana- BAKHTIYARPUR District- Patna

DINESH YADAV Son of Late Munshi Singh @ Munshi Yadav Resident of
Village - Chakdaulat, P.S.- Bakhtiyarpur, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Sr. Adv. Mr. Pravin Kumar
For the Opposite Party/s	:	Mr. Ashok Kumar
For the informant	:	Mr. Sidhendra Narayan Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 25-08-2020 Due to COVID-19 Pandemic, the matter is being taken
up by way of virtual Court proceeding.

The matter has been listed under the heading “For
Orders” under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case
registered under Sections 147, 148, 149, 307, 302, 120(B) of the
Indian Penal Code.

Prosecution case, in short, is that while the informant was
sowing chilli plant with his brothers, the accused persons
including the petitioner named in the FIR came there with arms
and assaulted the informant and his brother with intention to



kill. The accused petitioner fired upon the brother of the informant who sustained gun shot injury on his face and fell down on the ground. Later on, he succumbed to the gun shot injury.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. In the fardbeyan of the informant, the place of occurrence is alleged to be the chilli field, belonging to the informant. The same has been made as an afterthought. So far place of occurrence is concerned, the same is different from the FIR. As per finding which has come in course of investigation, the prosecution has not come with clean hands. It is further submitted that as per case diary, the place of occurrence is the land belonging to the accused side and as such, the informant and others are aggressors and in right to private defence, the alleged incident is said to have taken place.

On behalf of the State and the informant, it is submitted that the petitioner is named in the Complaint Case/F.I.R. There is direct allegation of firing against the petitioner. The injury caused by the petitioner led to death of the deceased.

Considering the nature of accusation, I am not inclined to



grant anticipatory bail to the petitioner. Accordingly, prayer for anticipatory bail of the petitioner in connection with Bakhtiyarpur P.S. Case No. 277 of 2019 stands rejected.

If the petitioner surrenders in the court below and seeks regular bail, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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