

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18218 of 2020**

Arising Out of PS. Case No.-102 Year-2019 Thana- NALANDA District- Nalanda

ANIL KUMAR @ ANIL @ ANIL YADAV @ LOTHIA Son of Kishori Yadav
Resident of Village - Mamurabad, P.S.- Nalanda, Distt - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar No.1, APP
For the Opposite Party/s : Mr.Jai Narain Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

8 04-11-2020 As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Mr. Jai Narain Thakur, APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Nalanda PS Case No. 102 of 2019 registered under Sections 341, 323, 324, 307, 504, 506, 34 of the IPC



and Section 27 of the Arms Act.

The allegation in the FIR is that upon order by co-accused Arbind Yadav, the petitioner has fired upon chest of the deceased.

Learned Counsel for the petitioner submits that the implication is false. He denies having fired the shot. It is submitted that motive pre-existing dispute arising out of Panchayat election is against other co-accused and not against the petitioner. The petitioner is in custody since 11.9.2019 and the implication is based on criminal antecedent.

Learned APP has opposed the prayer for bail. The allegation of firing upon the chest of the victim is corroborated by medical evidence. Learned APP therefore submits that it is not a fit case for grant of bail to the petitioner.

Considering the rival submissions as also the facts and circumstances of the case, for the present this Court is not inclined to allow bail to the petitioner. The prayer for bail is rejected.

(Madhuresh Prasad, J)

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