

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27235 of 2020

Arising Out of PS. Case No.-51 Year-2019 Thana- MANIHARI District- Katihar

1. Niraj Yadav @ Niraj Kumar Yadav Son of Brahma Yadav Resident of Village - Bakhar, P.S. - Pirpaiti, District - Bhagalpur (Bihar)
2. Loknath Yadav Son of Baliram Yadav Resident of Village - Bakhar, P.S. - Pirpaiti, District - Bhagalpur (Bihar)

... .. Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr.Raghvendra Kumar Singh, Advocate

For the Opposite Party : Mr. Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-10-2020 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State through Video conferencing.

Petitioners apprehend their arrest in a case registered for the offence punishable under Section 307/34 and other allied sections of the Indian Penal Code as well as section 27 of the Arms Act.

Prosecution's case in short is that in the evening of 16.6.2018, the informant was returning to his home. Meanwhile, accused persons including the petitioners intercepted him and demanded water to drink and on refusal by the informant, co-accused Bhikhari Singh fired pistol upon the informant. Thereafter, all the accused persons named in the FIR also fired upon him and then fled away from the place of occurrence.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He submits that for the occurrence of 16.6.2018 FIR was lodged on 6.2.2019, without any explanation of inordinate delay in lodging of the FIR. Specific allegation of firing is against co-accused Bhikhari Singh and there is general and omnibus allegation against the petitioners that they along



with other accused persons also fired on the victim. Petitioners have got no criminal antecedent.

Learned counsel for the State opposes the prayer for bail. He submits that as per the FIR petitioners have also fired at the informant. Besides this, the learned Sessions Judge vide impugned order dated 21.1.2020 which has been passed after perusal of the case diary, has observed that witnesses during investigation have supported the allegation and the injury sustained by the informant is grievous in nature.

Considering the facts of the case and the nature of allegation, prayer for bail of the petitioners is rejected with direction to surrender and seek regular bail which would be considered and disposed of on its ow merit without being prejudiced by this order.

(Prabhat Kumar Singh, J)

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