

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31297 of 2020

Arising Out of PS. Case No.-47 Year-2020 Thana- GAYA KOTWALI District- Gaya

BALESHWAR YADAV S/o Late Shiv Balak Yadav Residence of Mohalla-
Jhilganj, P.S.- Kotwali, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Sharma
For the State	:	Mr. Nitya Nand Tiwary, APP
For the informant	:	Mr. Priya Ranjan

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-12-2020 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 seeks bail in Kotwali P.S. Case No.
47/2020 instituted for the offences under Sections 302/34 of the
Indian Penal Code and 27 of the Arms Act.

The prosecution case in short is that the accused person
fired at the father of the informant due to which he died.

It has been submitted on behalf of the petitioner that the
petitioner is in custody since 6.2.2020. There is no allegation of
tampering of witnesses alleged against the petitioner. Charge-sheet



has been submitted in the present case. The petitioner has falsely been implicated in the present case. There is admitted land dispute between the parties. From bare perusal of the F.I.R., it appears that the informant had come to the place of occurrence after hearing the sound of firing. So, definitely, he was not witness to the manner of occurrence.

On behalf of the State and the informant, it is submitted that the petitioner is named in the F.I.R. There is direct allegation of firing upon the victim which led to his death. The informant had seen the petitioner fleeing away from the place of occurrence with a country made pistol. One country made pistol is said to have been recovered from the place of occurrence. The post-mortem report also corroborates with the allegation made in the F.I.R.

Considering the aforesaid facts, I am not inclined to grant bail to the petitioner. The same is rejected. The Trial Court is directed to conclude the trial at the earliest preferably within nine months from the date of receipt/production of a copy of this order.

(Sudhir Singh, J)

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