

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29061 of 2020

Arising Out of PS. Case No.-170 Year-2019 Thana- KUSHESHWARASTHAN District-
Darbhanga

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CHAND YADAV Son of Sri Degan Yadav Resident of Village - Morkahi,
P.S.- Muffasil, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar -2, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 21-12-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Mr. Shailendra Kumar -2 learned APP, is appearing as it is submitted that the brief has been allotted to him by the office of Advocate General. His name may also be printed in the cause list.

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



Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in K. Asthan P.S. Case no. 170 of 2019, instituted for the offence under Sections 341, 342, 323, and 302/34 of the I.P.C. and Section 27 of the Arms Act.

The prosecution case is that the petitioner and other two co-accused persons have fired upon the brother of the informant resulting in his death.

The petitioner's counsel submits that implication is based on prior enmity arising out of killing of petitioner's brother by brother of the deceased. The allegation is not specific against petitioner as regards firing upon vital part by the petitioner. The petitioner is in custody since 13.11.2019.

The learned APP has opposed the prayer for bail. It is submitted that there is direct allegation that petitioner and two others have killed the victim by firearm which stands duly corroborated by the postmortem report, wherein, three gun shot injuries have been found on the victim. The petitioner has criminal antecedents also and three cases are pending against him since before. The case is not one, where the petitioner, at this



stage, should be allowed the privilege of bail.

Considering the aforesaid, this Court, for the present, is not inclined to allow the petitioner’s prayer. Prayer for bail is rejected.

(Madhuresh Prasad, J)

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