

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69157 of 2019**

Arising Out of PS. Case No.-100 Year-2019 Thana- JAGDISHPUR District- Bhagalpur

BIHARI YADAV, S/o Umesh Yadav @ Bauki Yadav, Resident of Village-
Fatehpur, P.S.- Jagdishpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bal Bhushan Choudhary, Adv.

For the Opposite Party/s : Mr. Satyadeo Singh Yadav, APP

**CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER**

3 17-03-2020 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

Deceased Pankaj Yadav while had gone to the place of his Phua having 20,000/- in cash, it has been alleged by the informant, brother of the deceased that the petitioner insisted for and having been denied, he with his brothers Sadanand Yadav and Sonu Yadav caught hold of him and then the petitioner having weapon in his hand shot at his neck causing instantaneous death. They also took away the cash.

The contention on behalf of the petitioner is that case has been registered one day after the alleged occurrence. It has further been submitted that the prosecution party themselves happen to be the anti-social element and having been protested at the end of the petitioner who happens to be *Sarpanch* of the



Panchayat, been implicated in this case. Also submitted that none is an eye witness to the occurrence as, all the eye witnesses assembled after hearing firing sound. Also submitted that the petitioner happens to be under custody since 22.03.2019.

The learned Additional Public Prosecutor vehemently opposed the submission having raised on behalf of the practitioner and submitted that the written report was filed on the date of occurrence itself i.e. 21.03.2019 before the police who after getting information regarding commission of occurrence arrived at the spot. Also submitted that the petitioner's motorcycle was seized from the place of occurrence itself as is evident from para 6 of the case diary. Also submitted that police was informed by the villagers regarding running away from the scene. Whereupon, police chased and as is evident from para 7 of the case diary, the petitioner was apprehended by the police after long chase. So far witnesses are concerned, there happens to be specific disclosure that the witnesses arrived at the spot after hearing firing sound and in their presence money was snatched away from the deceased. Not only this, from para 3 of the bail petition in consonance with para 63 of the case diary there happens to be presence of criminal antecedent. Also submitted that the petitioner is the



person who shot at the deceased.

Consequent thereupon, the prayer for bail is rejected.

However, the learned lower court is directed to expedite the trial
in the background of period of custody.

(Aditya Kumar Trivedi, J)

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