

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15673 of 2021

Arising Out of PS. Case No.-185 Year-2019 Thana- BIHPUR District- Bhagalpur

SHIVA YADAV @ SHIV KUMAR YADAV @ SHIV YADAV S/o Late Satto
Yadav @ Satyanarayan Yadav Resident of Village- Ganaul, P.S.- Bihpur,
Bhawanipur (O.P.), District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 24-08-2021 Heard learned counsel for the parties through video
conferencing.

The petitioner has preferred this application for grant
of regular bail in a case registered under section 302 and other
sections of the Indian Penal Code and section 27 of the Arms
Act.

As per allegation in the FIR, the accused persons
including the petitioner herein are stated to have come variously
armed. It is stated that the petitioner shot the father of the
informant hitting him in his left cheek. Others also fired. The
informant's father fell down and died.

It is submitted by learned counsel for the petitioner
that the allegations as levelled in the FIR are false and



concocted. The petitioner has been falsely implicated in the case because of previous enmity. The informant and others had committed the murder of the father of the petitioner for which Bihapur P.S. Case no. 280 of 2018 was registered by the petitioner. The informant and others are accused in various cases and the death of the informant's father took place in a manner other than what has been narrated in the FIR. The petitioner is in custody since 9.1.2020 and has no criminal antecedent. Investigation in the case has concluded.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the direct allegation against the petitioner of having fired at the father of the informant which is supported from the contents of the postmortem report, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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