

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15688 of 2020

Arising Out of PS. Case No.-9 Year-2019 Thana- MAIRWAN District- Siwan

DILIP YADAV Son of Late Ranglal Yadav Resident of Village - Phulwaria,
P.S. - Mairwa, District - Siwan at present at Bousi Purdaha, P.S.- Mairwa,
District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Satya Nand Shukla, Adv.
For the State	:	Mr.Ashok Kumar, APP
For the Informant	:	Mr. Prashan Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 05-01-2021 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection
with Mairwa P.S. Case No. 09 of 2019 (Sessions
Trial No. 344 of 2019), registered for the offence
punishable under Sections 341, 323, 307, 302/34
of the Indian Penal Code and Section 27 of the
Arms Act.

As per the allegation in the FIR, the informant
and the accused persons are agnates and there
was some dispute with respect to immovable
property and construction of RCC road, leading to
the accused persons having obstructed the



construction of RCC road, which had further resulted into altercation in between the parties. It is also alleged in the FIR that the petitioner had fired upon the elder brother of the informant, namely, Krishna Yadav, on his forehead, resulting in him receiving gunshot injury and his subsequent death.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 19.01.2019. The learned counsel for the petitioner has further submitted that a bare perusal of the FIR would show that the deceased was not present at the place of occurrence, hence, the petitioner could not have shot him dead.

Per contra, the learned APP for the State, Sri Ashok Kumar, and the learned counsel appearing for the informant, Sri Prashant Kumar, have vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by



the learned counsel for the petitioner and taking into account the materials available in the case diary, I find that a prima facie case is definitely made out against the petitioner and the petitioner is alleged to be the main assailant, who has fired gunshot on the elder brother of the informant, resulting in his death, hence, I do not find any merit in the present petition, thus, the same stands dismissed.

(Mohit Kumar Shah, J)

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