

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21465 of 2021

Arising Out of PS. Case No.-277 Year-2019 Thana- BAKHTIYARPUR District- Patna

DINESH YADAV Son of Late Munshi Singh @ Munshi Yadav Resident of
Village - Chakdaulat, P.S.- Bakhtiyarpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Vaishnavi Singh
For the Informant	:	Mr. Prem Ranjan Kumar
For the State	:	Mr. Braj Bhushan Mishra

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-07-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 147, 148, 149, 307, 302 & 120B of the Indian Penal Code and Section 27 of the Arms Act.

While the informant was planting chilly on his purchased land with his brother Naresh Yadav, Akhilesh Yadav (deceased), Surendra Yadav, nephew Lallu Kumar and Ranjeet



Kumar, the petitioner armed with rifle along with other co-accused having armed with rifle and pistols reached there. Petitioner resorted firing on Akhilesh Yadav due to which he got badly injured and lastly died.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case due to land dispute. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that while inspecting the place of occurrence, the police has not stated that they found any chilly plant planted in the field in question although police has stated that on the east, there was vacant land of Gorakh Singh, on the western side, chilly plant field of Guddu Miyan, northern side, Makai field of Ramesh Singh and southern side, chilly field of Karpuri Singh and this also goes to falsify the entire prosecution case. The petitioner has been languishing in custody since 25.09.2020.

Learned counsel for the informant and learned APP for the State vehemently opposing the bail petition submitted that there is direct allegation of resorting firing



against the petitioner due to which the brother of the informant died. Hence, the petitioner does not deserve bail.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. The prayer for bail is hereby rejected. However, the learned Trial Court is directed to expedite the trial.

(Anjani Kumar Sharan, J)

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