

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30225 of 2021**

Arising Out of PS. Case No.-169 Year-2019 Thana- KHUSRUPUR District- Patna

CHHOTU YADAV Son of Baijnath Yadav @ Baijnath Gope Resident of
Village- Kalyanpur, P.S.- Fatuha, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 01-10-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 302, 386, 387 and some other ancillary Sections of the Indian Penal Code and u/s 27 of Arms Act.

As per the prosecution case, this petitioner along with other accused persons opened fire causing death of one Awadhsh Yadav and injured other persons.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. It is submitted that as per FIR, this petitioner is alleged to have fired upon the back of the deceased but no corresponding fire arm injury was found on the back of deceased during post mortem examination. It is further submitted that Similarly



situated accused Santosh Gope @ Andu has already been granted bail by a co-ordinate Bench of this court vide order dated 27.01.2021 passed in Cr. Misc. No. 23744/2020. Petitioner is in custody since 08.01.2020 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail and submits that there is direct and specific allegation against this petitioner that he fired causing injury on the back of deceased. During the course of investigation one Bablu Kumar, who is an eye witness of the occurrence, has named this petitioner in his statement u/s 161 of the Cr. P. C. as well as u/s 164 of the Cr. P. C. as one of the persons who fired upon the deceased. It is submitted that although in paragraph 3 of the bail petition it is stated that petitioner has got clean antecedent but from case diary it appears that petitioner is accused in one case registered under Arms Act. The case of petitioner is not on par with co-accused, Santosh Gope @ Andu inasmuch as there is no allegation of firing against Santosh Gope @ Andu in the statement of Bablu Kumar u/s 161 of the Cr. P. C.

Considering the facts of the case, nature of allegation made against this petitioner and gravity of offence, I am not



inclined to enlarge the petitioner on bail. Accordingly, the same
is rejected.

(Prabhat Kumar Singh, J)

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