

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2792 of 2021

In
CRIMINAL MISCELLANEOUS No.2767 of 2021

Arising Out of PS. Case No.-249 Year-2020 Thana- BIKRAMGANJ District- Rohtas

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Pintu Yadav S/O Baban Yadav R/O Village-Yadav, Muhalla Ward No.26,
Vikramganj, P.S-Vikramganj, District-Rohtas.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr. Rajendra Narain, Sr. Advocate Mr.Rakesh Kumar Shrivastava, Advocate
For the S t a t e	:	Mrs. Usha Kumari-1, Spl.P.P.
For the Informant	:	Mr. Kamal Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

8 26-08-2021 The matter has been taken up today for consideration
through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard Mr. Rajendra Narain, learned Senior Counsel
appearing for the appellant and the learned APP for the State.

The appellant seeks bail in connection with
Vikramganj P.S. Case No.249 of 2020 registered for the offence
punishable under Sections 147, 148, 149, 302 and 34 of the
Indian Penal Code and Sections 25(1-b)a, 26, 35 and 27 of the



Arms Act and Section 3(1)(r)(v) of the SC/ST Act, which is pending in the court of 1st Additional District & Sessions Judge, Sasaram, Rohtas.

The prosecution case is that nine named and four unnamed accused persons have indiscriminately assaulted the informant's brother. Against the instant appellant, there is an allegation that he fired upon the back of the deceased.

Mr. Rajendra Narain, learned Senior Counsel representing the appellant submits that it is false case, based on the implication of the prosecution party in Vikramganj P.S. Case No.410 of 2019 regarding the murder of appellant's brother. The entire prosecution case is rendered doubtful on account of the fact that there is one gun-shot injury on the head of the victim. The informant has alleged that Rakesh Kumar and Pawan Singh fired upon his brother's head. Co-accused Rakesh Kumar has been allowed bail in Cr. Appeal(SJ) No.2375 of 2021. Appellant has now been in custody for more than 14 months. Chargesheet has already been submitted,

Learned APP as well as the learned counsel for the informant has appeared through virtual mode and opposed the prayer for bail. They have submitted that doubt arising in the case of Rajesh Kumar does not help the appellant's case, as



against the appellant there is specific allegation of assault by firearm on the back of the victim, which stands corroborated by the post-mortem report. The instant appellant has been arrested after a chase from the place of occurrence and three cartridges have also been recovered from his possession. He was arrested along with co-accused Rikki Kumar Choudhary who possessed a country made pistol.

Considering the rival submissions as also the facts and circumstances of this case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the learned APP and the learned counsel for the informant. Prayer is rejected, for the present.

This Court would expect that the appellant's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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