

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27091 of 2020

Arising Out of PS. Case No.-410 Year-2019 Thana- RANIGANJ District- Araria

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GABBU YADAV @ MITHILESH KUMAR, aged about 30 years, Male, S/o Nitya Nand Yadav, Resident of Village-Nagrahi, Police Station-Raniganj, District-Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Nasim Yahya, Advocate.

For the Opposite Party : Mr. Prem Kumar Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 05-01-2021 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in a case for the offence registered under Sections 302/34 of the I.P.C. and 27 of the Arms Act.

The prosecution story, in brief, is that on 12.11.2019 in the night, when the informant and his younger brother Jai Prakash Yadav were moving in *Mela* at that time, Bablu Yadav, Ajay Yadav, Sattan Yadav, Gabbu Yadav (petitioner), Sukdeo Yadav, Rahul Yadav and Manoj Yadav came there and started abusing them due to previous land dispute and *Rasta*, villagers present there intervened. Thereafter, when they were going to their home, all accused persons riding on Motorcycles over took



and surrounded them in between *Santhali and Musahari Tola*. Mela owner Ajay Yadav and Sukdeo Yadav ordered to kill and co-accused Sattan Yadav, Manoj Yadav and Bablu Yadav stated that they should not be saved, upon this, co-accused Rahul Yadav and Gabbu Yadav (petitioner) fired upon the brother of the informant. Gabbu Yadav fired on the back of the deceased due to which, he fell down on the ground and co-accused Rahul Yadav fired on the neck of the deceased as a result of which, he died. When nearby people came, they fled away from there. They left one Motorcycle on the place of occurrence.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 04.03.2020. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner has been made accused in the present case due to previous enmity. He is a student of Graduation.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. There is specific allegation of firing against the petitioner upon the deceased. The petitioner is alleged to have fired upon the



deceased. The postmortem report also corroborates the allegation made in the F.I.R. Co-accused Rahul Yadav is said to have fired upon the neck of the deceased.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Raniganj P.S. Case No. 410 of 2019, pending in the court of learned A.C.J.M. VI, Araria.

The court below is directed to take all necessary steps to expedite the case and conclude the same preferably within a period of nine months from the date of receipt/production of copy of this order.

(Sudhir Singh, J)

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