

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28137 of 2020

Arising Out of PS. Case No.-62 Year-2019 Thana- BARHARA KOTHI District- Purnia

GAURAV YADAV S/o Late Nawel Yadav Resident of Village-Maujampatti,
P.S.-Barhara, District-Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. A.K. Thakur, Sr. Advocate Mr. Nilesh Kumar
For the Opposite Party/s	:	Mr. Surendra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 08-02-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Barhara
(Raghuvanshnagar) P.S. Case No. 62 of 2019 instituted for the
offences under Sections 302, 120(B), 34 of the Indian Penal
Code and 27 of the Arms Act.

The prosecution case in short is that the accused
persons, variously armed, fired at the brother of the informant
causing his death.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 30.05.2019 and has got no
criminal antecedent. There is no allegation of tampering of
witnesses alleged against the petitioner. Charge-sheet has been



submitted in the present case. The petitioner is named in the F.I.R.. The informant of the case is not an eye witness to the alleged occurrence. No specific overt act is alleged against the petitioner. Due to previous enmity, the petitioner has been made accused in the present case for oblique reasons.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. and the statement of the eye witness is in paragraph no. 115 of the case diary. The said eye witness has made an allegation of indiscriminate firing against nine accused persons including the petitioner. Though, he is a chance witness to the occurrence but he claims to have seen the occurrence. The case relates to triple murder. As per the post-mortem report, the deceased namely Neeraj Yadav has sustained two wound of entry made by fire arms. As far as deceased Ramakant Yadav is concerned, he has received five wound of entry made by fire arms and as far as deceased Vakil Yadav is concerned, he has received one wound of entry made by fire arms.

Considering the nature of accusation, I am not inclined to grant bail to the petitioner. The same is rejected. The Trial Court is directed to take all necessary steps to expedite the case and conclude the trial at the earliest preferably within a



period of nine months from the date of receipt/production of a
copy of this order.

(Sudhir Singh, J)

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