

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29450 of 2020

Arising Out of PS. Case No.-578 Year-2019 Thana- TURKAULIYA District- East
Champaran

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Dilip Kumar Yadav S/o Late Chandrika Prasad @ Chandrika Prasad Yadav
Resident of Village-Karamwa Jaisinghpur, P.S.-Turkaulia, District-East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ansul, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 18-01-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the offences punishable under Sections 147/148/149/341/302 of the Indian Penal Code and Section 27 of the Arms Act in connection with Turkaulia P.S. Case No. 578 of 2019.

According to FIR, three persons including the petitioner fired at the father of the informant which caused death of the father of the informant instantly. The doctor has found three fire-arm wound of entry and three fire-arm wound of exit. The occurrence allegedly took place for land dispute. Besides the informant, his mother is also an eyewitness of the occurrence. The petitioner has got a long list of criminal



antecedent.

Learned counsel for the petitioner submits that it appears that none had seen the occurrence and afterthought allegation was levelled due to land dispute because from the case-diary it appears that inquest report was prepared first and FIR was registered thereafter. In fact, the police had reached only after hearing rumour that murder of Nand Kishore Yadav was committed.

No doubt, inquest was prepared at 1:40 on 21.08.2019 whereas the matter is said to have been reported to the police at 3:15 on 21.08.2019. However, for the aforesaid reason, the eyewitness cannot be disbelieved at this stage.

Learned counsel for the informant as well as learned Additional Public Prosecutor for the State opposed the prayer for bail.

Considering the nature of allegation, I am not inclined to enlarge the petitioner on bail. Hence, the prayer for bail is refused. The trial Court is directed to expedite the trial.

(Birendra Kumar, J)

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