

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32173 of 2020**

Arising Out of PS. Case No.-85 Year-2020 Thana- MANSI District-
Khagaria

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Pinkesh Yadav Son of Angrej Yadav Resident of Village- Tikarampur,
Bihari Marar Tola, Ward No.12, P.S.- Muffasil Munger District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Bishweshwar Ram, Advocate

For the Informant : Mr. Vibekanand Singh, Advocate

For the State : Mr. J.K. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 25-01-2021

Heard learned counsel for the petitioner and learned

APP for the State. Learned counsel for the petitioner has filed an undertaking to remove all defects pointed out by the Stamp Reporter as and when required. It is accordingly directed that all defects pointed out by the Stamp Reporter be removed within one month hereof.

2. The petitioner is in custody since 20.02.2020 in connection with Mansi P.S. Case No. 85 of 2020, G.R. No. 853 of 2020 for the offences alleged under Sections 448, 302, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. It is submitted that the petitioner has been falsely implicated in connection with alleged murder of the informant's brother and father. It is submitted that the petitioner is not



named in the F.I.R. rather his name has transpired on the re-statement of the informant in course of investigation to the effect that the petitioner was standing at the place of occurrence. No allegation has been made by the informant with regard to firing by the petitioner. The petitioner claims clean antecedents.

4. Learned APP assisted by learned counsel for the informant appears and opposes the bail petition, pointing out from the case diary that in his written statement, the informant has in fact stated that the petitioner and other co-accused persons opened fire. So also, other witnesses in the case diary at paragraphs 12 and 34 have also supported the case of the prosecution, stating that the petitioner was present at the spot. Co-accused Arun Yadav who was subsequently apprehended, stated that the petitioner opened fire and it is on his confession that arms were recovered. It is a case of double murder and from the F.I.R. itself it transpires that the accused persons had earlier committed murder of the informant's agnate Brij Nandan Yadav and two other persons.

5. Having regard to the nature of accusations and the gravity of the offence alleged, this Court is not inclined to grant the privilege of bail to the petitioner. The petition stands dismissed.

6. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made



by the petitioner within the stipulated time provided in para-1
hereinabove, failing which the matter shall be brought to the
notice of this Court.

(Vikash Jain, J)

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