

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33051 of 2020

Arising Out of PS. Case No.-99 Year-2020 Thana- GAYA MUFASIL District- Gaya

1. SHARWAN YADAV Son of Naresh Yadav Resident of village - Mayapur, P.S. - Muffasil, District - Gaya.
2. Bablu Yadav Son of Kailu Yadav Resident of village - Kaiya, P.S. - Muffasil, District - Gaya.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Sumeet Kumar Singh, Advocate.
For the State	:	Mr. A.M.P. Mehta, A.P.P.
For the Informant	:	Mr. Arvind Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 01-02-2021 Heard learned counsel for the petitioners and the learned A.P.P. for the State as also the learned counsel for the informant.

The petitioners seek bail in connection with Muffasil P.S. Case No.99 of 2020/G.R. No.172 of 2020 registered under Sections 302/34 of the Indian Penal Code besides Section 27 of the Arms Act, pending in the court of the Chief Judicial Magistrate, Gaya.

The accusation is that in the evening of 10.03.2020, Guddu Yadav alias Army and Lalan Yadav, both sons of Sidheshwar Yadav of village-Budhgere, came in the market and started asking that if they will kill anyone in the village, no one



will come to his rescue and started making firing. Thereafter, Guddu Yadav called both the petitioners on phone and, thereafter, all started making indiscriminate firing, in which Bittu Gupta, the son of the informant Kisori Sao, sustained gun shot injury. While Bittu Gupta, the son of the informant Kisori Sao, was rushed to the hospital for treatment but he died in the way.

Learned counsel appearing on behalf of the petitioners submits that while it is alleged in the F.I.R. that the petitioners and two others made indiscriminate firing but only one firearm injury was found near the neck of the deceased Bittu Gupta, the son of the informant Kisori Sao. Further submission is that the informant in his restatement has stated that there was hot exchange of words and firing in between the groups of Rajesh Yadav alias Mallu Yadav and Kishori Yadav, and in the firing Bittu Gupta, the son of the informant Kisori Sao, sustained firearm injury, as such, there was no intention of the petitioners to kill Bittu Gupta, the son of the informant Kisori Sao. Both the petitioners are in custody since 12.06.2020. While the petitioner no.1 is accused in one another case and the petitioner no.2 is accused in nine other cases, as detailed in paragraph-3 to this application, but they are on bail in the said



cases.

Having regard to the facts and the circumstances of the case and the nature of allegation against the petitioners, I am not inclined to grant bail to the petitioners. Accordingly, the prayer of the petitioners for grant of bail stands rejected for the present.

(Rajendra Kumar Mishra, J)

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