

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37746 of 2020

Arising Out of PS. Case No.-212 Year-2020 Thana- NATHNAGAR District- Bhagalpur

PANKAJ YADAV son of Musharu Yadav Resident of Mohalla- Babu Tola,
P.S. Nathnagar, District- Bhagalpur

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rudrank Shivam Singh
: Mr.Sanjay Singh
For the Opposite Party/s : Ms. Asha Devi

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 26-03-2021 Heard Mr. Rudrank Shivam Singh, learned
counsel for the petitioner and Ms. Asha Devi, learned APP
for the State.

The petitioner seeks bail in connection with Nath
Nagar P.S. Case No. 212 of 2020 instituted for the offences
under Sections 147, 148, 149 and 302 of the Indian Penal
Code.

It has been alleged in the first information report
by the nephew of the deceased that while both of them were



coming back home, miscreants overtook them in a vehicle. Two accused persons, namely, Vikram Yadav and Carbon Yadav are said to have fired from their weapons which led to the informant and the deceased falling down from the motorcycle. Thereafter, while the informant and his uncle were running for their safety in the field, they were fired at by the miscreants including the petitioner, leading to the death of the uncle of the informant.

Hence this case.

Learned counsel for the petitioner has submitted that there is general and omnibus allegation against all the accused persons and the statement of the informant cannot be accepted to be ex-facie true in this case. The reason assigned by the learned counsel for the petitioner for disbelieving the informant at this stage is that the occurrence is said to have taken place at about 9.30 in the night and no source of identification has been disclosed in the First Information Report. Several persons are said to have assembled at the place of occurrence but it appears to be rather improbable that the accused persons, after firing so



many rounds and killing one of the victims, would walk away with impunity.

It has further been submitted that the nature of injury which has been found does not go in conformity with the ocular testimony as there are tattooing marks and blackening over the wounds of entries, indicating that firing was made from a close range but the F.I.R. describes about firing from a distance by many persons.

On these grounds, learned counsel for the petitioner has urged that the petitioner be released on bail as he is in custody since 26.06.2020.

None of these grounds weigh with this Court for grant of bail to the petitioner especially when he along with others are specifically alleged to have fired at the informant and the deceased, killing the deceased thereby.

Apart from this, the petitioner is stated to be an accused in several cases. Notwithstanding the fact that the petitioner is on bail in all such cases, I am not inclined to grant bail to the petitioner at this stage.

The prayer for bail is rejected.



The Trial Court is directed to expedite and conclude
the trial within a reasonable period of time.

(Ashutosh Kumar, J)

sunilkumar/-

U		T	
---	--	---	--

