

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38384 of 2020

Arising Out of PS. Case No.-165 Year-2020 Thana- ALOULI District- Khagaria

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Amarjeet Yadav Son of Chandilal Yadav Resident of Village- Oura, P.S.
Alauli, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 20-02-2021 Let the defects be removed within four weeks.

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 302/307/504/34 of the
Indian Penal Code and Section 27 of the Arms Act in
connection with Alauli P.S. Case No. 165 of 2020.

According to FIR, the brother of the informant was
looking after his vegetable field. At the same time, three
persons including the petitioner came there variously armed
with rifle, pistol etc. and asked Harinandan Bind, the brother
of the informant, that the accused persons would cut and take
away sand from the vegetable field. At the same time co-
accused Mallakh Yadav fired from the pistol and thereafter



this petitioner and Vikash Yadav also fired from their respective fire-arm at the deceased. However, no injury was caused. When the deceased was returning co-accused Mallakh Yadav fired at him as a result whereof the brother of the informant died.

Learned counsel for the petitioner submits that the post mortem report annexed with the bail application would show that single wound of entry and exit was found on the person of the deceased and that allegation is specific against Mallakh Yadav. The petitioner has stated on oath that he has got no criminal antecedent. The petitioner is in custody since 06.06.2020. Investigation of the case is already complete.

Learned counsel for the informant submits that the act alleged against the petitioner shows completion of his intention to commit murder if his shot did not cause any injury the act was complete as per intention and prior meeting of mind of all cannot be ruled out.

Considering the nature of allegation against the petitioner, I am not inclined to enlarge the petitioner on bail. Hence, the prayer for bail is refused.

The learned trial Court is directed to expedite the trial and conclude the same within nine months, failing which



the petitioner would be at liberty to renew the prayer for bail
before the trial judge itself, who shall pass a reasoned order.

(Birendra Kumar, J)

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