

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39337 of 2020

Arising Out of PS. Case No.-177 Year-2020 Thana- TEKARI District- Gaya

Babun Yadav @ Dharmendra Kumar, son of Parshuram Yadav, Resident of
Vill.- Malshari, P.S.- Tekari, Distt.- Gaya (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Manish Kumar, Advocate
For the S t a t e	:	Mr. Rajesh Kumar, APP
For the Informant	:	Mr. Umesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 16-03-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Tekari
(Panchanpur O.P.) P.S. Case No.177 of 2020 for the offence
punishable under Sections 341, 323, 307, 302, 120B and 34 of
the Indian Penal Code and Section 27 of the Arms Act, which is
pending in the court of Sri Sumeet Kumar Singh, learned
Judicial Magistrate 1st Class, Gaya.

There is an allegation that there is a dispute
between the informant and his brother over sharing of the
pensionary benefits of their father. It is in this context that there
is an alleged firing by the petitioner's brother Chhotu upon the
father of the informant. The petitioner is alleged to have fired



upon the informant.

It is submitted by the petitioner's counsel that the petitioner is brother-in-law of informant's brother, and has falsely been implicated. There is no basis for the petitioner to resort to firing as he would not be the beneficiary of the pensionary benefits. Further submission is that there is no injury report to corroborate the allegation of firing upon the informant by the petitioner. The petitioner has been in custody since 01.07.2020.

The learned counsel for the informant and the learned APP for the State have opposed the prayer for bail. They have drawn the attention of the Court towards the antecedents of the petitioner and submitted that at least seven cases, including the instant case, are against the petitioner. In the investigation, material has come to suggest that the informant was also treated for the injury sustained as per the FIR. Therefore, the fact that the injury report has still not been made available, should not be to the benefit of the instant petitioner.

Considering the rival submissions, this Court, for the present, is not inclined to allow the prayer for bail. The same is rejected.

This Court would expect that the petitioner's counsel



would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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