

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37532 of 2020

Arising Out of PS. Case No.-125 Year-2020 Thana- KUMAR KHAND District- Madhepura

CHHOTU YADAV @ ANKUSH RAJ Son of Bhagwat Yadav Resident of
Village - Tikuliya, Ward No. -10, P.S. - Kumarkhand, District - Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal, Advocate
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 10-03-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Kumarkhand P.S. Case no. 125 of 2020 registered under sections 307 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the first information report, it is stated that at about 4 P.M. when the informant had gone on his motorcycle, he was followed by three accused persons in a car wherein the petitioner was also sitting along with a pistol. They started to follow the petitioner. The same night at about 11.30 P.M. near the house of Mahendra Yadav, the accused persons overtook the motorcycle of the informant with the car and taking his body out of the car, the informant was fired upon with



a pistol which hit him in his chest. It is further stated that about 1 ½ - 2 years back also the petitioner had entered his house and misbehaved with his wife and on protest had threatened the informant.

It is submitted by learned counsel for the petitioner that from perusal of the first information report, it would transpire that there is no allegation of firing against the petitioner nor has allegation of firing been levelled against the petitioner in the further statement of the informant recorded in course of investigation. The petitioner has been falsely implicated by the informant due to political rivalry and it is for this reason that the first information report was registered after two days delay without any reasonable explanation for the same. Further referring to the injury report which has been brought on record as Annexure 2 to the petition, it is submitted that the doctor who has examined the informant is not sure as to whether the injury was caused by a fire arm or not. The time of occurrence is stated to be 11.30 P.M. in the night and no source of light for identification has been mentioned. There is no eye witness to the occurrence. The petitioner has no criminal antecedent and is in custody since 28.5.2020.

The application for bail is opposed by learned



Additional Public Prosecutor for the State.

Having heard learned counsel for the parties and on perusal of the records of the case it transpires that the *fard-e-beyan* of the informant was recorded in the Intensive Care Unit of a hospital. On perusal of the first information report, it transpires that the allegation of firing is on the petitioner which is supported by the injury report and as such, the Court is not inclined to enlarge the petitioner on bail and the same is rejected.

The learned court below is directed to expedite the trial.

(Partha Sarthy, J)

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