

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38992 of 2020**

Arising Out of PS. Case No.-20 Year-2020 Thana- FULKAHA District- Araria

1. Arun Yadav, Son of Late Asharfi Yadav Resident of Village - Achara, P.S. - Phulkaha, District - Araria
2. Anil Yadav @ Anil Kumar Yadav, Son of Late Asharfi Yadav Resident of Village - Achara, P.S. - Phulkaha, District - Araria

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.N.K. Agrawal, Sr. Advocate
Ms. Preety Kunwar, Advocate
For the Opposite Party/s : Mr.Anant Kumar -1, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 20-07-2021 Heard learned Senior Counsel for the petitioners and
learned A.P.P. for the State.

Petitioners, in the present case, are seeking regular bail in connection with Fulkaha P.S. Case No. 20 of 2020 registered for the offences punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned Senior Counsel for the petitioners submits that there is a land dispute between the parties and earlier a family member of the accused side was killed by the informant side but that was about four years ago and the same cannot be a reason for the alleged occurrence in which the husband of the informant has been allegedly killed by firing on his face by



these two petitioners. Learned Senior Counsel further submits that in course of investigation the son of the deceased has not taken name of these petitioners and the brother of the deceased has disclosed that not only these two petitioners had fired but the co-accused Sunil Yadav had also fired upon the deceased.

Learned Senior Counsel further submits that the petitioners are in custody in connection with this case since 24.02.2020 and since then they are in custody. Both the petitioners have got one criminal antecedent and they are on bail in both the cases.

On the other hand, learned A.P.P. for the State has informed this Court that as per the prosecution story while the informant was talking with her husband during the night hour at about 12:30 P.M. the petitioners along with co-accused reached there and these two petitioners had allegedly fired upon the face of her husband and thereafter all the co-accused fled away. It is submitted that in her restatement also the informant has supported her allegations and the post mortem report discloses multiple injuries on face, head, neck and chest, therefore the allegation of firing upon the face stands substantiated.

Learned A.P.P. further submits that from the submission of learned Senior Counsel for the petitioners itself



the motive behind the alleged occurrence may be found as about four years ago it is alleged that somebody from the petitioners side was killed by the informant side and therefore old enmity is an admitted position.

Having regard to the facts and circumstances, there being direct allegation against these two petitioners of firing upon the deceased and the same stands corroborated from the post mortem report, this Court is not inclined to release the petitioners on bail.

Prayer for regular bail of the petitioners is, thus, refused.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

