

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4782 of 2021

Arising Out of PS. Case No.-46 Year-2020 Thana- MANJHAGARH District- Gopalganj

SADHU YADAV @ MUKESH YADAV SON OF LATE MEGHA YADAV@
MEGHA CHOUDHARY RESIDENT OF UMAR MATHIYA, P.S.-
MAJHJAGARH, DISTRICT- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Udbhav, Adv.
For the Opposite Party/s	:	Mr.Dilip Kr. No.1, APP
For the Informant	:	Mr.Ajay Mishra, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 27-08-2021 Heard the parties through virtual court proceeding.

The petitioner seeks bail in connection with Manjhagarh P.S. Case No.46/2020, registered for the offence punishable under Sections 341, 323, 307, 302, 504 and 34 of the Indian Penal Code and section 27 of the Arms Act.

The prosecution case in short is that on 15.02.2020, mother of the informant was discussing ancestral land matter with co-sharers Mukesh Yadav @ Sadhu Yadav and his brother Angad Yadav, in the mean time, the petitioner and others variously armed with lathi, danda, bhala, farsa and gun came and began assaulting his mother by hurling abuses. It is further alleged that the informant's side came there to save her, then all the accused persons assaulted them as well. Thereafter, it is said



that this petitioner opened fire arm from his licensed gun and the shots fired struck the brother in law of the informant, due to which, he fell down and died.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He has been falsely implicated in this case due to enmity. There is admitted land dispute between the parties and both sides are agnates. As per the FIR, the alleged occurrence took place on 15.02.2020 at 6.30, although AM or PM has not been given in the written report purposely but from the format of the FIR, it is evident that the written report was given at police station on 16.02.2020 at 15.05 hours. It is further submitted that the prosecution has tried to suppress that when this information was received on 16.02.2020 about the death of a man due to land dispute. When police reached in the village saw the man lying dead due to fire arm injury and when it was sent to hospital for legal action. It is submitted that if the informant or others would have really seen the occurrence in the manner as alleged, they would have given the information to the police on 15.02.2020 itself in the evening when the police arrived in the village or at least in hospital but the written report was given on the next day. The dead body challan further shows



that the dead body was taken into custody by the police on 15.02.2020 itself. Nothing is present on record to suggest that any firing was made from the licensed fire arm of the petitioner. The petitioner has three criminal antecedent and has been languishing in custody since 28.02.2020.

Learned APP for the State and learned counsel for the informant opposed the prayer for bail by submitting that the petitioner is the main assailant as per the First Information Report and several witnesses have supported the prosecution case and post mortem report also shows that the cause of death is due to gun shot injury.

Considering the facts and circumstances of this case, since there is specific allegation against the petitioner, I am not inclined to grant bail to the petitioner named above.

Accordingly, bail petition is hereby dismissed.

However, learned trial court is directed to expedite the trial of the petitioner as expeditiously as possible.

(Anjani Kumar Sharan, J)

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