

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40236 of 2020

Arising Out of PS. Case No.-36 Year-2020 Thana- GWALPARA District- Madhepura

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Dilkhush Yadav @ Dilkhush Kumar Yadav @ Dilkhush Kumar, male, aged about 26 years, Son of Janeshwar Yadav, Resident of Village - Sekhpura Chaman Gosai Tola, P.S. - Udakishunganj, Distt. - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajnish Kumar Singh, Adv.

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 14-12-2021 Heard Mr. Rajnish Kumar Singh, the learned Advocate for the petitioner and the learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Gwalpara P.S. Case No. 36 of 2020, dated 20.03.2020, instituted for the offences under Sections 302, 120(B) and 34 of the Indian Penal Code and



Section 27 of the Arms Act.

The petitioner is said to have fired at the deceased from his rifle along with other accused persons, leading to his death.

It has been submitted on behalf of the petitioner that the informant has made prevaricating statements with respect to his having witnessed the occurrence. Apart from this, it has been submitted that the medical testimony is not at all in consonance with the ocular version. There is no rifling of any one of the wounds found on the body of the deceased. Additionally, it has been urged that there has been a delay of sixteen hours in lodging the F.I.R.

However, looking at the nature of accusation against the petitioner of firing at the deceased, I am not inclined to grant him anticipatory bail.

The prayer for grant of anticipatory bail to the petitioner is, accordingly, rejected.

However, if he surrenders before the Court below and seeks bail, the Court below shall consider the case on its own merits, without being prejudiced by the fact that the



present anticipatory bail application has not been entertained
by this Court.

The application stands dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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