

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.98 of 2021**

Arising Out of PS. Case No.-114 Year-2020 Thana- GOPALPUR District- Bhagalpur

RAMRATI YADAV son of Late Kamli Yadav Resident of Village- Latra, P.S.-
Gopalpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Adv.

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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

5 27-07-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Gopalpur P.S. Case No.114/2020 registered for

the offences punishable under Section 302/34 of the Indian

Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that in the

First Information Report it is alleged that altogether 7 accused

persons have made indiscriminate firing upon the husband of

the informant. It is further submitted that the specific allegation

of firing upon the deceased has been made firstly against co-accused Chotu Yadav. It is alleged that when her husband started fleeing away and entered inside the house of Ladu Yadav, all the accused persons chased him, broke open the door of the house and fired upon him. Thereafter they fled away.

It is submitted that the postmortem report of the deceased shows only three entry wounds. Although the postmortem refers seven injuries but injury nos.2 and 4 are the connecting and exit wounds whereas injury nos.6 and 7 are abrasion which have occurred due to felling down of the victim. It is thus submitted that the allegation of firing by all the seven accused is only false and baseless. Learned counsel further submits that the co-accused Ravi Kumar has been granted bail by a learned coordinate Bench of this Court vide order dated 28.06.2021 passed in Cr.Misc.No.1323/2021.

On the other hand, learned APP for the State has opposed the prayer for regular bail of the petitioner. He submits that in course of investigation several witnesses have supported the prosecution case. This petitioner was one of the accused who was firing upon the deceased. It is submitted that the seriousness of the occurrence alleged may be judged from the further materials which have come in the case diary showing that from

the place of occurrence police has seized one 315 bore pellet, two empty cartridges of 315 bore, two empty cartridges of 7.62, one live cartridge of 9 mm pistol and one more empty cartridge. Thus, the allegation that all the accused persons had been making indiscriminate firing, had chased the husband of the informant firing upon him are getting corroborated from the seizure list.

Learned APP further submits that although one of the co-accused has been granted bail by a learned coordinate Bench of this Court, however, from the order passed in the said case it does not appear that the materials seized by the police from the place of occurrence were pointed out to the Court.

Considering the facts and circumstances of the case, the seriousness of the allegation wherein the husband of the informant was chased by the named accused persons allegedly and they were firing upon him and from the place of occurrence several cartridges of different bore and size have been seized by police, the kind of materials placed before this Court are such that this Court is not inclined to release the petitioner on bail at this stage. The prayer for bail is, thus, refused.

Let the trial be expedited. All endeavours be made by the learned trial court to conclude the trial within a period of one

year from the date of start of normal functioning of the court. If the trial remains unconcluded within the aforesaid period for no reason attributable to the petitioner, he may renew his prayer for bail.

(Rajeev Ranjan Prasad, J)

arvind/-

U		T	
---	--	---	--

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'.