

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57827 of 2021

Arising Out of PS. Case No.-9 Year-2019 Thana- MAIRWAN District- Siwan

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DILIP YADAV S/o LATE RANGLAL YADAV R/o VILLAGE-
PHULWARIA, P.S- MAIRWA, DISTRICT-SIWAN AT PRESENT AT BOUSI
PURDAHA, P.S-MAIRWA, DISTRICT-SIWAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rama Nand Poddar, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP
For the informant : Mr. Prashant Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-11-2021 Heard the learned counsel for the petitioner, Sri

Akhileshwar Dayal, learned APP appearing for the State and the

learned counsel for the informant Sri Prashant Kumar.

The present petition is by way of second attempt at
the behest of the petitioner for grant of regular bail in
connection with Mairwa PS case no. 09 of 2019 under Sections
341, 323, 307, 302/34 of Indian Penal Code and 27 of Arms Act,
inasmuch as the earlier prayer of the petitioner was rejected vide
order dated 05.01.2021, passed in Cr. Misc. no. 15688 of 2020.

The case of the prosecution, as per the allegation in
the FIR is that the informant and the accused persons are
agnates and there was some dispute with respect to immovable
property and construction of RCC road, leading to the accused



persons having obstructed the construction of RCC road, which had further resulted into altercation in between the parties. It is also alleged in the FIR that the petitioner had fired upon the elder brother of the informant namely Krishna Yadav, on his forehead, resulting in him receiving gunshot injury and his subsequent death.

The learned counsel for the petitioner has submitted that the petitioner is languishing in custody since 19.01.2019 and there is no progress in the trial.

Per contra, the learned APP for the State and the learned counsel for the informant have vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case and considering the fact that the petitioner is the main assailant who had committed gruesome murder of the deceased, apart from the fact that there is no change in circumstance so as to warrant reconsideration of the prayer of the petitioner for grant of bail, I do not find any merit in the present petition, hence the stands dismissed.

(Mohit Kumar Shah, J)

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