

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80836 of 2019

Arising Out of PS. Case No.-232 Year-2019 Thana- GOGRI District- Khagaria

MUKESH YADAV Son of Kishori Yadav Resident of Village-Paura, P.S-
Gogari (Paura), District-Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Shekhar Kumar Singh

For the Opposite Party/s : Mr.Shyameshwar Dayal

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 31-08-2021 Heard Mr. Shekhar Kumar Singh, learned

counsel for the petitioner and Mr. Shyameshwar Dayal,

learned APP for the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Gogari (Paura) P.S. Case No.

232 of 2019 instituted for the offences under Sections

147, 148, 149, ,302, 307 and 506 of the Indian Penal

Code and Section 27 of the Arms Act.

The accusation in the F.I.R. is of several



persons having fired as a result of which, the brother of the informant died.

The learned counsel for the petitioner has submitted that the informant is not an eye-witness to the occurrence and that the petitioner has been made accused in this case because he is an agnate of one Kishori Yadav, who is at logger heads with one Bittan Yadav.

Both the grounds urged on behalf of the petitioner do not impress this Court for the reason that on a plain reading of the F.I.R., it becomes very clear that the informant had gone to the house of his uncle, when all the accused persons including the petitioner opened fire at his uncle. In the process, the brother of the informant got injured and ultimately died. Thus, it cannot be said that the informant is not an eye-witness to the occurrence. Secondly, the argument raised on behalf of the petitioner that he has been made accused in this case because of his being an agnate of one of the warring parties, is too far fetched for grant of anticipatory bail.

Some of the accused persons of this case who



are similarly situated have been granted anticipatory bail but I am not inclined to grant anticipatory bail to the petitioner, who is alleged to have fired upon the uncle of the informant but unfortunately the brother of the informant died.

The petition for anticipatory bail is rejected.

(Ashutosh Kumar, J)

sunilkumar/-

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

