

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6808 of 2022

Arising Out of PS. Case No.-7 Year-2020 Thana- BAUSI District- Araria

Shashi Yadav Son of Upendra Yadav Resident of Village - Hasanpur, P.S. -
Raniganj, Dist. - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal Singh, Sr. Advocate Mr. Ramesh Kumar Singh, Advocate Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s :		Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 29-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Bausi P.S.
Case No. 7 of 2020 registered for the offence under Sections
341, 323, 326, 307 and 34 of the Indian Penal Code and 27 of
the Arms Act. Later on Section 302 and 120(B) of the Indian
Penal Code has also been added.

The accused/petitioner is named in the F.I.R. and is in
custody since 15.05.2021.

The allegation against the petitioner is to commit
murder of father of the informant, alongwith other co-accused



persons, by causing fire arm injuries, for long-standing land disputes.

Learned Senior counsel, Mr. N.K. Agarwal, appearing on behalf of the petitioner submitted that petitionr has been implicated in present case due to land dispute. It is further submitted that admittedly, informant is not the eye witness of the occurrence. It is further submitted that the alleged electronic evidences, which were collected during the course of investigation, were never sent to Forensic Science Laboratory (FSL) and further the charge-sheet has also been submitted without obtaining mandatory certificate under Section 65(B) of the Indian Evidence Act. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, duly assisted by Shri Sanchay Srivastav, appearing on behalf of informant, while opposing the prayer of bail, submitted that there is no reason to doubt the version of informant, where specific allegation raised against this petitioner from the mouth of deceased. It is further submitted that dying declaration of deceased was also recorded, which was captured under CCTV footage, installed before a gas agency at



the place of occurrence itself and, as such, there is no chance of tampering, where deceased specifically, stated that fire was made by petitioner, as mentioned in para-68 of the case diary.

Considering the facts and circumstances as mentioned above, as there is specific allegation of firing against this petitioner, causing death of father of informant, this Court is not inclined to grant bail to the petitioner, at present.

Accordingly, prayer of bail of the petitioner is rejected herewith.

Learned Trial Court is directed to proceed with the matter, by taking it on board, if required, on daily basis, so as trial may conclude within nine month.

Superintendent of Police, Araria is directed to produced the charge-sheeted witnesses, as and when directed by the Trial Court/Special Court, for expeditious disposal of trial, within specified time, as directed above.

(Chandra Shekhar Jha, J)

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