

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18753 of 2021**

Arising Out of PS. Case No.-711 Year-2019 Thana- SAHARSA SADAR District- Saharsa

Roshan Yadav @ Roushan S/O Mahendra Yadav R/O Village Patuaha, Ward
No. 01, P.S-Saharsa Sadar, Block Kahara, District Saharsa

... .. 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.Lalan Kumar

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

13 31-03-2022 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Saharsa (Sadar) P.S. Case
No. 711 of 2019, registered for the offence punishable under
Sections 302/34 of the Indian Penal Code and section 27 of the
Arms Act.

As per the prosecution case, petitioner along with
other co-accused persons named in the FIR, fired upon the
brother of informant leading to his death.

It is submitted on behalf of the petitioner that there is
no eye-witness of the occurrence. Allegation of firing is general
and omnibus and no specific overt act has been alleged against
this petitioner. No empty cartridge has been recovered by the
police at the place of occurrence. Co-accused Babul Kumar @



Babul Kumar Singh has been granted bail by this Court vide order dated 09.02.2021 passed in Cr. Misc. No. 38301 of 2020. Petitioner is in custody since 16.11.2019.

Learned APP however, vehemently opposed the prayer for bail and submitted that there is specific and direct allegation of causing gunshot injury against this petitioner due to which the deceased died.

So far as co-accused Babul Kumar is concerned, there is no allegation of firing against him.

Considering the facts aforesaid, nature and gravity of offence, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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