

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8794 of 2022

Arising Out of PS. Case No.-87 Year-2020 Thana- BELCHHI District- Patna

Nitish Kumar Son of Ratan Yadav R/o Village- Ganichak, P.S.- Belchi,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 44874 of 2022

Arising Out of PS. Case No.-87 Year-2020 Thana- BELCHHI District- Patna

Ratan Yadav Son of Hari Yadav Resident of Village- Ganichak, P.S.- Belchi,
District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 8794 of 2022)

For the Petitioner/s : Mr. Y.C. Verma, Sr. Advocate, Adarsh Singh,
Advocate, Ravikant Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad

(In CRIMINAL MISCELLANEOUS No. 44874 of 2022)

For the Petitioner/s : Ms. Priyanka Singh

For the Opposite Party/s : Mr. Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 13-12-2022 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioners seek bail in connection with
Sessions Trial No. 426 of 2021 arising out of Belchhi P.S.
Case No. 87 of 2020, registered for the offences punishable



under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution story as emerges from the FIR is that on 24.11.2020 at 8:30 am, four persons, namely, Ratan Yadav, Nitish Kumar, Subhash Yadav and Ranjeet Yadav, armed with country made katta and revolver, surrounded informant's husband when he was preparing ridge. It is further alleged that the accused persons opened fire upon the informant's husband due to which he became unconscious. Thereafter, he was taken to the hospital where he was declared dead.

The Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case due to land dispute between the parties. He further submits that there is no clear-cut injury report to show that there are two bullet injuries. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

The petitioners, namely, Nitish Kumar and Ratan Yadav have been languishing in jail since 08.03.2021 and



25.11.2020 respectively.

It is also stated in paragraph no. 2 of the petition that the petitioners have not moved earlier for grant of either anticipatory bail or regular bail.

It has further been stated in paragraph no.3 of the petition that the petitioner, Nitish Kumar has no criminal antecedents whereas the petitioner, Ratan Yadav has been made accused in three more cases and he is on bail in all the three cases.

However, the learned APP for the State vehemently opposes the prayer of petitioners for bail submitting that there is direct allegation of causing bullet injury on account of land dispute. The medical report clearly shows that the victim had died on account of bullet injury and one bullet had been recovered from inside the body of the victim at the time of post-mortem.

Considering the aforesaid facts and circumstances, I am not persuaded to enlarge the petitioners on bail at this stage.

The application stands Rejected accordingly.



The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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