

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13543 of 2022

Arising Out of PS. Case No.-93 Year-2021 Thana- SATHI District- West Champaran

MANAN YADAV S/o Late Jhapas Yadav Resident of Village - Basantpur,
P.S. - Sathi, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar
For the State	:	Mr.Nitya Nand Tiwari,APP
For the informant	:	Mr. Doovind Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 30-08-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in Sathi P.S. Case no. 93/2021 registered for the offences punishable under sections 302, 307 and other allied sections of the Indian Penal Code and 27 of the Arms Act.

As per the prosecution story present petitioner and four co-accused persons came at the hut of the informant and started uprooting informant's hut and at that time the present petitioner and co-accused Lal Babu Yadav and Binod Yadav were equipped with fire arms and during that course present petitioner fired at Vinod Yadav who sustained firearm injury on his leg and thereafter co-accused Vinod Yadav fired at Amar Yadav who sustained firearm



injury on vital part of the body and fell down and thereafter other co-accused persons started firing and three persons sustained firearm injury in the occurrence and two of them died.

The main submissions advanced by learned counsel Sri Sanjeev Kumar for the petitioner are that though in the FIR specific role in causing firearm injury to Vinod Yadav has been mentioned against the petitioner but the informant in his re-statement did not assign any specific role of the petitioner as he mentioned in the FIR and some other witnesses also did not reveal any specific role of firing by this petitioner and they simply stated the presence of the petitioner along with co-accused persons at the place of occurrence and during course of investigation it has come out that the alleged land dispute was in between petitioner and the informant, in fact petitioner's father and uncle were murdered by one namely Shambhu Yadav whose sons have been made accused in the present case and in the murder case of petitioner's father said Shambhu Yadav was convicted and his appeal is pending before this Court.

Sri Binod Kumar no. 3, learned APP appearing for the State and Sri Doovind Kumar Singh, learned counsel for the informant have vehemently opposed the prayer for bail and submitted that the present case relates to double murder and the police intentionally twisted the statements of the witnesses in order to save the petitioner and the main accused is to be arrested, against this petitioner there is serious allegation.



Heard both the sides and perused the FIR as well as case diary. Present case relates to double murder. Petitioner is named in the FIR. Informant specifically alleged that the petitioner fired at Vinod Yadav and investigation in respect of some co-accused persons is still pending, in the opinion of this Court, it is not a fit case for bail to the petitioner and accordingly, prayer for bail of the petitioner stands rejected.

As per submission of learned counsel for the petitioner that petitioner's case has not been committed, hence the Judicial Magistrate concerned is directed to commit the petitioner's case in accordance with law, if there is no any legal hurdle. After commitment petitioner's trial must be concluded within one and half year by the Trial Court, if the trial of the petitioner is not concluded within the said stipulated period, the petitioner may renew his prayer for bail.

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(Shailendra Singh, J)

