

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.26570 of 2021**

Arising Out of PS. Case No.-53 Year-2019 Thana- MALAYPUR District- Jamui

RAJENDRA YADAV S/o Mishri Yadav R/o village- Dewachack, P.S.-  
Malaypur, Distt.- Jamui

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

|                          |   |                             |
|--------------------------|---|-----------------------------|
| For the Petitioner/s     | : | Mr. Kumar Kamal Nayan, Adv. |
| For the Opposite Party/s | : | Ms. Sharda Kumari, APP      |
| For the Informant        | : | Mr. Prakash Mahto, Adv.     |

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY  
ORAL ORDER**

5      04-01-2022                      Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, the five named accused persons including the petitioner herein shot the informant and his elder brother who was going on his motorcycle and as a result of firing resorted to by them, the informant's brother was injured and died in course of treatment.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case because of pending land dispute between the parties



which is evident from the statement of the mother and the wife of the deceased recorded in course of investigation. The case diary also mentions about the antecedents of the deceased and the manner of occurrence is other than what has been narrated in the F.I.R. The very fact that the informant who is said to be with the deceased on the motorcycle escaped uninjured in the occurrence raises suspicion about the contents of the F.I.R. The petitioner is in custody since 18.1.2020 and has no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant who submits that the petitioner is the assailant of the deceased.

Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R. against the petitioner who along with others is said to be the assailant of the deceased, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial court is directed to expedite the trial.

**(Partha Sarthy, J)**

Bibhash/-

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