

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27994 of 2021

Arising Out of PS. Case No.-106 Year-2020 Thana- KUMAR KHAND District- Madhepura

SIKENDRA YADAV Son of Late Laldhari Yadav Resident of Village -
Ramganj, P.S.- Kumarkhand, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bikramdeo Singh, Advocate
Mr. Pawan Kumar, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-01-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Kumarkhand
P.S. Case No. 106 of 2020 registered for the offences
punishable under Sections 147, 148, 149, 341, 342, 447, 323,
307, 302, 354, 379, 504, 506 of the IPC and 27 of the Arms Act.

The prosecution case, in brief, is that the informant
alleges that on 02.05.2020 at about 4:30 PM, the informant
along with his elder brother were sitting at his door. In the



meantime, petitioner along with other FIR named accused persons armed with different weapons came there and started abusing them. It is further alleged that on the order of Damodar Yadav, petitioner and co-accused Ratan Yadav shot fire causing firearm injury to informant's brother. It is further alleged that firing of co-accused Bijendra Yadav hit into the left thigh of the informant. The accused persons are also said to have committed loot in the informant's house. The injureds were taken to hospital but on the way the informant's brother died.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. It is further submitted that there is no specific allegation of firing against the petitioner rather allegation is general and omnibus. He further submits that police after investigation submitted charge sheet against the petitioner. Petitioner is in custody since 13.11.2020.

The learned Additional Public Prosecutor on the basis of the material available on record and case diary submits that it would evident from perusal of postmortem report that two wounds caused by firearms have been found on the dead body of the deceased. He further submits that in the FIR, there is



specific allegation of firing against co-accused Ratan Yadav and petitioner upon the deceased.

Considering this aspect of the matter that there is direct allegation of firing against the petitioner and co-accused Ratan Yadav upon the deceased, I am not inclined to grant bail to the petitioner and accordingly, the same stands rejected.

(Rajesh Kumar Verma, J)

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