

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28925 of 2021**

Arising Out of PS. Case No.-671 Year-2019 Thana- LAKHISARAI District- Lakhisarai

BAJRANGI YADAV Son of Sambhu Yadav Resident of Village- Naya Tola
Garbhu Asthan, P.S.- Lakhisarai, District- Lakhisarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jai Prakash Singh, Adv.
For the Opposite Party/s	:	Ms. Meena Singh, APP
For the informant	:	Mr. Deepak Sahay Jamuar, Adv.

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

3 07-01-2022 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, eight accused persons including the petitioner herein on three motorcycles are stated to have come and started firing on the informant and others. It is stated that Bablu Ram and Nawal Kumar started to fire on the informant's brother. Along with them Bajrangi Yadav, the petitioner herein and others were also seen firing. As a result of firing the brother of the informant sustained fire arm injury and subsequently died. The cause of occurrence is said to be



previous land dispute and enmity between the parties.

It is submitted by learned counsel for the petitioner that from perusal of the F.I.R. itself it would transpire that the specific allegation of firing on the brother of the petitioner is on Bablu Ram @ Amit Kumar and Nawal Kumar and not the petitioner herein. The allegation against the petitioner are general and omnibus in nature. In the postmortem report also only two injuries have been found on the body of the deceased. The witnesses whose statement have been examined in course of investigation have not supported the allegation against the petitioner. The petitioner is in custody since 5.1.2021 and his case stands on a similar footing to that of a number of accused including Nawal Kumar who has been enlarged on bail vide order dated 23.1.2020 passed in Cr. Misc. no.4461 of 2020.

The application for bail is opposed learned A.P.P. for the State and learned counsel for the informant who submits that not only the petitioner is named in the F.I.R. but there is direct allegation against him of having resorted to firing. The cause of death of the informant's brother is also the injury sustained as a result of fire arm injury. It is further submitted that the coaccused Nawal Kumar was granted bail on an erroneous submission made on behalf of the petitioner therein for which an



application for cancellation of bail being Cr. Misc. no.9100 of 2020 has been filed in this Court and notices have been issued to the opposite party.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the allegations levelled in the F.I.R. against the petitioner of having been seen firing, 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)

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