

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25657 of 2022

Arising Out of PS. Case No.-34 Year-2019 Thana- UPHARA District- Aurangabad

RAJ KUMAR YADAV S/o Late Bisundayal Yadav R/o village- Dandwa, P.S.-
Uphara, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Malti Kumari

For the Opposite Party/s : Mr.Navin Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 25-08-2022 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner has preferred this application for grant of regular bail in a case registered u/s 302 read with 34 of the of the Indian Penal Code.

As per allegation in the F.I.R., the six named accused persons including the petitioner herein as also 3 to 4 unknown persons are stated to have come with variously armed. It is stated by the informant that they caught hold of his son and accused Bhim Yadav and Raja Yadav shot on his forehead and the petitioner Raj Kumar opened fire on the chest of the deceased.



Learned counsel for the petitioner has submitted that the petitioner is innocent and he has falsely been implicated in this case due to village politics. Learned counsel for the petitioner has further submitted that the petitioner has two criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 02.03.2022. The co-accused person has been granted bail by the Coordinate Bench of this Court vide order dated 13.07.2021 passed in Cr. Misc. No. 11851 of 2021.

Learned A.P.P. for the State has opposed the bail petition of the petitioner by submitting that the petitioner opened fire on the chest of the deceased which gets support from the post-mortem report. There is direct allegation against the petitioner. The case of the petitioner is on different footing to that of the co-accused Dasrath Yadav.

Considering the aforesaid facts, circumstances and the specific allegation against the petitioner, I am not inclined to grant regular bail to the petitioner. Therefore, the prayer for bail of this petitioner is rejected.

The trial Court is directed to expedite the trial and conclude the same preferably within a period of six months.

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(Chandra Prakash Singh, J)

