

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37469 of 2021

Arising Out of PS. Case No.-368 Year-2020 Thana- MURLIGANJ District- Madhepura

SUSHIL KUMAR YADAV S/O SASHINATH YADAV R/O VILLAGE-
KOLHAYPATTI, P.S-MURLIGANJ, DISTRICT-MADHEPURA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sumit Kumar Singh, Adv.
For the Opposite Party/s	:	Mr.Anant Kumar -1, APP
For the Informant	:	Mr. Surya Narayan Yadav, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 22-02-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard Mr. Sumit Kumar Singh, learned counsel for the petitioner, Mr. Surya Narayan Yadav, learned counsel for the informant and Mr. Anant Kumar-1, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection Murliganj P.S. Case No.368 of 2020 registered for the offences punishable under Sections 323, 341, 379, 307 read with 34 of the Indian Penal Code and Section 27 of the Arms Act. He has got two criminal antecedents. He is in custody since 09.02.2021.



Learned counsel for the petitioner submits that as per the prosecution story at the instance of co-accused Shashinath, this petitioner and two others namely Nawal Kishore Yadav and Mondhir Yadav @ Sanjeev Yadav pulled down the son of the informant while he was going on his motorcycle and started firing upon him indiscriminately. It is alleged that in the said firing the son of the informant suffered multiple injuries at different sides including on his head. He was somehow saved when the villagers came on alarm and then the injured was taken to the hospital for treatment.

Learned counsel submits that the informant is own aunt of the petitioner, there is a land dispute between the parties and because of the same the petitioner has been falsely implicated in this case. It is his further submission that though the petitioner has got two criminal antecedents but those have been registered against him because of the land dispute. One of the cases being Murliganj P.S. Case No.265 of 2020 was registered by the injured on 03.09.2020 i.e. only about two and half months prior to the present case.

Initially Mr. Sumit Kumar Singh, learned counsel for the petitioner submitted that the injured has got only one fire arm injury but his submission was contested by learned



APP for the State citing the injury report present in the case diary. It is submitted that the doctors have clearly opined that the fire arm injuries have been caused at multiple site. Learned APP further submits that the petitioner is one of the assailants and it seems that he was looking to eliminate the son of the informant who was the informant in Murliganj P.S. Case No.265 of 2020.

Learned counsel for the informant has produced before this Court a copy of the order dated 21.12.2021 passed by a learned coordinate Bench of this Court in Cr.Misc.No.33561 of 2021 to submit that the co-accused Deep Narayan Yadav against whom also there was an allegation of firing has been refused bail.

Having considered the submissions noted hereinabove and the materials placed before this Court, on finding that the petitioner is one of the assailants, the injuries pointed out in the injury report corroborates the allegation and further that the petitioner seems to be involved in eliminating the informant of Murliganj P.S. Case No.265/2020 lodged against him, this Court has reasons to believe that if released on bail he will indulge in threatening of the witnesses and would not allow the trial to be concluded.



For all these reasons, the prayer for bail of the
petitioner is rejected.

This application is dismissed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

