

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39515 of 2021**

Arising Out of PS. Case No.-164 Year-2020 Thana- ROH District- Nawada

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BINAY YADAV @ CHOTU YADAV S/O NARAYAN YADAV Resident of
Mahkar, P.S.- Roh, District- Nawada r

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Harish Jalan, Advocate

For the Opposite Party/s : Mr.Arun Kumar, Addl Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 04-02-2022 Heard learned counsel for the petitioner, the State, the
informant and perused the case diary.

The petitioner seeks regular bail in registered for the offences punishable under sections 302/120B and other allied sections of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, this petitioner shot at the chest of the husband of the informant causing his death.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to old enmity as co-accused Narayan Yadav and others have lodged several cases against the members of the prosecution party which have been mentioned in paragraph 8 of the bail petition. Petitioner is in custody since 12.10.2020. other



similarly situated co-accused have already been allowed bail by different co-ordinate benches of this Court vide orders passed in Cr.Misc.No. 38180/2021 and 23143/21.

Learned counsel for the State and the informant opposes the prayer for bail and submit that the case of other accused persons are distinguishable as they have facilitated commission of the crime, whereas this petitioner has specifically fired on the chest of the victim causing his death. During investigation, witnesses have supported the prosecution case and even the doctor has opined in the post mortem report that the cause of death is shock and haemorrhage due to injury caused by fire arms.

Considering the nature of accusation against the petitioner, his prayer for bail is refused.

(Prabhat Kumar Singh, J)

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