

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39969 of 2021

Arising Out of PS. Case No.-72 Year-2018 Thana- KAUWAKOL District- Nawada

Chandan Yadav Son Of Late Bhagirath Yadav Resident Of Village - Benipur,
Police Station - Rupow, District - Nawada.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Man Mohan Kumar
For the State	:	Mr. Surendra Prasad Singh
For the Informant	:	Mr. Birendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 09-03-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner seeks bail in connection with Kawakole
P. S. Case No.72 of 2018, instituted for the offences under
Sections 147, 148, 149, 302 of the Indian Penal Code and
Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the
petitioner is in custody since 30.05.2019, charge-sheet has been
submitted in this case and has antecedent of 12 cases.

The learned counsel for the petitioner submits that
from perusal of Para-3 of the petition, it would manifest that all
the cases pertain to only one police station. It is thus submitted
that once the petitioner got implicated in the first case, thereafter



the police started implicating him in cases after cases.

The learned counsel for the petitioner further submits that the informant alleges that this petitioner along with other accused persons started indiscriminate firing over cousin brother of the informant namely, Babloo Yadav, on which the informant and his brother Vimlesh Yadav fled from the place of occurrence and came to village and informed his uncle and thereafter, they came to the place of occurrence and found Babloo Yadav lying dead.

The learned counsel for the petitioner submits that though petitioner is alleged to be the main assailant, but then in the F.I.R. it is also alleged that the other co-accused persons, who had also fired indiscriminately at Babloo Yadav. It is thus submitted that it cannot be said with certainty that it was this petitioner whose bullet hit the deceased, but then the learned counsel also submits that as per F.I.R., it is alleged that it was this petitioner, who shot the deceased first. The learned counsel further submits that petitioner is in custody for nearly three years, charges till date has not been framed for which the petitioner cannot be faulted.

Learned counsel for the informant as well as learned A.P.P. for the State opposes the bail application and submits that



petitioner is alleged to be the main assailant, but are not able to meet the submission of the learned counsel for the petitioner that the charges till date has not been framed despite petitioner being in custody.

At this stage, the learned counsel for the petitioner seeks permission to withdraw the present bail application of the petitioner with a liberty to renew his prayer for bail after framing of charge.

Accordingly, instant petition is dismissed as withdrawn with the liberty aforesaid.

(Satyavrat Verma, J)

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