

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35295 of 2022

Arising Out of PS. Case No.-152 Year-2021 Thana- NIRMALI District- Supaul

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Pawan Kumar Yadav Son Of Sri Subodh Yadav, Resident Of Village-
Mahthaur Goth, P.S.- Andhramath, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv.
	:	Mr. Ritwik Thakur, Adv.
For the Opposite Party/s	:	Mr. Abhay Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 17-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Nirmali P.S. Case No. 152 of 2021, lodged under Sections 307,
302/34 of the Indian Penal Code read with Section 27 of Arms
Act.

As per the prosecution story, the informant has
narrated that he received information in the night that his son
was injured by the firing of Pawan Kumar Yadav, the petitioner.
According to him the petitioner has fired by which 3 persons are
alleged to be injured in which the death of the informant's son

has taken place.

Learned counsel for the petitioner submits that from the F.I.R. it transpires that the informant is not the eye witness of the case, case diary has been called for in this case and he has put emphasis on the statement made in paragraph no.57, 77 & 78. He further submits that all the three statements are made by the persons who are present at the place of occurrence and there are extreme contravention in their statements. Learned counsel for the petitioner further submits that petitioner is in custody since 11.10.2021, charge sheet has already been filed in this case and antecedent of petitioner is clean.

Learned counsel for the State opposes the prayer for bail and submits that it is true that there are contravention in the evidences. Learned counsel for the State further submits that learned counsel for the petitioner has made suppression in regard to antecedent of petitioner as in paragraph no.104 of the case diary it has come that there is 2 criminal cases pending against the petitioner, one is Nirmali P.S. Case No. 153 of 2021 and another is Nirmali P.S. Case No. 148 of 2021.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner, but liberty is hereby granted to the petitioner to

move afresh for his bail after three months of framing of charge before the Trial Court and at the time of consideration of bail application the Trial Court shall specifically look into the matter that whether petitioner has already been accused in this case or was remanded in these 2 cases namely Nirmali P.S. Case No. 153 of 2021 and Nirmali P.S. Case No. 148 of 2021, if he has been remanded later on, then the Trial Court shall release him on bail and, if not, the bail application shall be rejected by the Trial Court.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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