

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44525 of 2021

Arising Out of PS. Case No.-82 Year-2021 Thana- BARHARA KOTHI District- Purnia

GHURAN YADAV Son of Chalittar Yadav Resident of Village - Shishwa,
P.S.- Barhara, (Raghuvansh nagar), Distt.- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.
For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 25-03-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302 and 34 of the Indian Penal Code, section 27 of the Arms Act and sections 3 and 4 of the Prevention of Witch (Daain) Practices Act.

As per the prosecution case, it is stated by the informant that while the informant was sleeping at the door of his house, in the night between 12 a.m.-1 a.m., the three named accused persons including the petitioner herein along with five unknown accused persons came inside the house. Rajiv and Sanjiv caught hold of informant's wife while the petitioner shot the informant's wife in her head.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. From



perusal of the F.I.R. itself, the time of occurrence is said to be late in the night between 12 a.m.-1 a.m., no source of light has been mentioned therein and admittedly the informant is not an eye witness to the occurrence for the reason that he himself states that on hearing the sound of firing, he came in the *Angan*. The petitioner is in custody since 16.3.2021 and investigation in the case is complete.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the allegation in the F.I.R. where it has been described that the petitioner is the assailant of the wife of the informant together with the allegations having been substantiated from the contents of the post-mortem report, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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