

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6583 of 2021

Arising Out of PS. Case No.-133 Year-2019 Thana- SONBERSA District- Saharsa

1. MANOJ YADAV Son of Parmeshwar Yadav Resident of Village- Barahi Tola, Bannivasha, P.S.- Sonbarsa Raj (Kashnagar O.P.), District- Saharsa.
2. Ashok Muni Son of Late Nepal Muni Resident of Village- Barahi Tola, Bannivasha, P.S.- Sonbarsa Raj (Kashnagar O.P.), District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha

For the Opposite Party/s : Mr. AAP

For the Informant Mr. Madhav Jha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 01-02-2022 This matter has been taken up for hearing online because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

Learned counsel for the petitioner is expected to honour his undertaking to remove the defects as pointed out by the office when called upon to do so by the office.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Sonbarsa P.S. Case no. 133 of 2019 instituted for the offence punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution story, FIR named accused persons



including the petitioners have started indiscriminate firing upon the Avinash Kumar Singh, brother of the informant. Bullet of co-accused Bijo Yadav hit in his chest due to which he succumbed to the injury in the way to hospital.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have been falsely implicated in this case. They have got no criminal antecedent. From perusal of the postmortem report, it appears that deceased has received one bullet injury, which was hit by the main accused Bijo Yadav.

Learned APP appearing for the State and learned counsel appearing for the informant have opposed the prayer of bail and submitted that it is a case of committing murder. Several witnesses have supported the prosecution case. It is not a fit case to grant anticipatory bail to the petitioner.

Having heard learned counsel for the parties and taking into consideration that it is a case of murder by gun shot, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

(Sunil Kumar Panwar, J)

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