

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39537 of 2022

Arising Out of PS. Case No.-564 Year-2021 Thana- RAMKRISHNANAGAR District- Patna

Pappu Yadav @ Om Prakash Son of Late Harsh Dayal Singh Resident of
village- Pipra, P.s- Ramkrishna Nagar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Lakshmi Kant Sharma, Advocate Mrs. Shatabdi Sinha, Advocate
For the Opposite Party/s	:	Mrs. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 21-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned Sr. counsel for the petitioner and
learned APP for the State.

Petitioner seeks regular bail in connection with Ramkrishna
Nagar P.S. Case No. 564 of 2021 registered for the offences
punishable under sections 302/34 of the Indian Penal Code and
27 of the Arms Act.

As per the prosecution, the informant's grandson was shot
dead on his neighbour's (Ajit Kumar @ Pachchu) terrace by a
co-accused Tinku Kumar, while the informant's son was
grabbed by the informant's neighbour (Ajit Kumar @ Pachchu)

and this petitioner at the time of alleged occurrence and accordingly they helped the main accused.

The main submissions advanced by the learned senior counsel Mr. Ramakant Sharma, appearing for the petitioner are that in fact the informant along with other persons executed an agreement for sale in favour of the cousin of the petitioner regarding which a dispute arose and when informant denied to execute and register the sale deed in respect of the land mentioned in that agreement a bad relation developed between the informant and the petitioner and as the petitioner was supporting his cousin so owing to that bad relation the petitioner has been falsely implicated in this case and as per the allegation made in the FIR the petitioner was only alleged to have caught hold of the victim with a co-accused person but the said allegation is completely absurd and improbable and the petitioner has been languishing in jail since 25.02.2022 and as per the prosecution's story on the alleged night of the occurrence there was a birthday party at the alleged place where a celebratory firing took place which might have caused injury to the deceased.

Learned APP Mrs. Sucheta Yadav, appearing for the State has opposed the prayer for bail.

Heard both the sides and perused the FIR. The informant claimed himself to be an eye-witness of the alleged occurrence of murder and according to him the petitioner and co-accused Ajit Kumar @ Pachchu caught hold of the victim and then co-accused Tinku Kumar fired at the temporal region of the victim which resulted in his death and admittedly as per the above submission there was a tense relation in between the petitioner's family and the informant. Considering the nature of allegation, in the opinion of this Court it is not a fit case for bail to the petitioner. Accordingly, his prayer for bail stands rejected.

As per the submission of learned counsel the case of this petitioner has not been committed till now and petitioner's case appears to be at the initial stage, hence the court concerned where the petitioner's case is pending for commitment, is directed to take steps to commit the same as per the provisions of law. Petitioner may renew his prayer for bail after framing of charge.

(Shailendra Singh, J.)

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