

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43139 of 2022**

Arising Out of PS. Case No.-283 Year-2021 Thana- KATIHAR NAGAR District- Katihar

ANIL YADAV SON OF LATE BHELA YADAV @ LATE BELA YADAV
R/O- P AND T CHOWK, BARMASIYA, P.S.- KATIHAR(S), DISTRICT-
KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh

For the Opposite Party/s : Mr.Ram Naresh Ray

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 28-09-2022 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

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

The petitioner has preferred this application for grant of regular bail in a case registered u/s 147, 148, 149, 341, 323, 302 and 120B of the Indian Penal Code and 27 of the Arms Act.

As per the prosecution case, co-accused Ranjeet Chaudhary called the informant's son Rahul Yadav in the name of panchayati. On suspicion, the informant and his two nephews also followed them from behind. All the accused persons armed with lethal weapons surrounded the informant's son and started



assaulting him. One of the co-accused Abhimanyu Yadav caught hold of the left hand of the son of the informant and the other co-accused Chitranjan Yadav caught hold of the right hand of the informant's son. The petitioner Anil Yadav caught hold of waist of Rahul Yadav. On the order of the co-accused Usha Devi, one of the co-accused Vishal Yadav fired on the head of Rahul with intent to kill who died during treatment in Siliguri.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is accused in one more criminal case as stated in para 3 of the bail petition. The petitioner is suffering from brain disease. There is no evidence against the petitioner in the entire case diary regarding his involvement in the crime alleged. The petitioner is in custody since 05.04.2022.

Learned A.P.P. for the State Sri Ram Naresh Rai and learned counsel for the informant, Sri Praveen Kumar have vehemently opposed the bail petition of the petitioner by submitting that it was the petitioner who caught hold of the waist of the deceased. There is direct involvement of the petitioner in the crime alleged and there is specific allegation against the petitioner . The medical prescription filed on behalf



of the petitioner does not support that the contention of the petitioner as the petitioner was not treated by the specialist doctor of brain.

Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, I am not inclined to enlarge this petitioner above-named on bail.

Learned trial Court is directed to expedite the trial and conclude the same at the earliest.

The bail petition stands rejected

(Chandra Prakash Singh, J)

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