

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55650 of 2021**

Arising Out of PS. Case No.-162 Year-2021 Thana- GOPALPUR District- Bhagalpur

Dhananjay Yadav Son of Gopi Yadav Resident of Village - Bhawanipur, P.S. -
Rangra, District - Bhagalpur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate.

For the Opposite Party/s : Mr. Sunil Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

4 **19-05-2022** 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 from today.

Heard Mr. N. K. Agrawal, learned senior counsel for the petitioner and Mr. Sunil Kumar Singh, learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Gopalpur (Rangra) P. S. Case No. 162 of 2021 registered for the offences punishable under Sections 147, 148, 149, 302 and 379 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, it is alleged that on



08.04.2021, while the informant along with his brother Ajay Kumar Yadav and cousin brother, namely, Rakesh Yadav were standing near his newly constructed hospital, in the meantime all the named accused persons came there and it is alleged that after some confrontation the petitioner Dhananjay Yadav pulled out his country-made pistol from his west and fired on the chest of Ajay Kumar Yadav, thereafter, all the accused persons fled away from Scorpio.

Learned senior counsel appearing on behalf of the petitioner submits that there is admitted land dispute between the both the parties and as per the F.I.R., the petitioner fired on the right chest of the deceased but the post mortem does not corroborate the prosecution case, it is also submitted that in course of investigation no other independent witnesses claimed to see the petitioner firing upon the deceased. It is lastly submitted that this petitioner is in custody since 14.04.2021 and moreover, the charge-sheet has been submitted and the trial is going on.

On the other hand, learned counsel appearing on behalf of the informant vehemently opposes the prayer for bail and submits that the petitioner is a main assailant against whom there is allegation that he fired upon the chest of the deceased,



which has also been corroborated by the post mortem report; apart from the fact the petitioner is found involved in two other cases.

Having considered the submissions made on behalf of the parties and taking into account the fact that there is specific allegation against the petitioner that he fired upon the chest of the deceased causing his death and the post mortem report prima facie corroborated the prosecution version and, as such, considering the nature of the accusation and gravity of the offence, this court is not persuaded to enlarge the petitioner on bail and, as such, the prayer of the petitioner for grant of bail stands rejected.

(Harish Kumar, J)

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