

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45751 of 2022

Arising Out of PS. Case No.-79 Year-2021 Thana- CHHABILAPUR District- Nalanda

Ashok Kumar Son Of Rambriksh Yadav Resident Of Bathani, P.S.- Nimchak,
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagendra Kumar, Advocate
For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 30-11-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

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

Petitioner seeks regular bail in connection with Chabilapur P.S. Case No. 79 of 2021 registered for the offences punishable under Sections 147, 148, 149, 115, 302, 307 and 120 B of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution, the informant alleged that this petitioner along with other named co-accused persons and fifteen to twenty unknown persons were ploughing the disputed land and upon protest the accused persons opened fire at the informant and his family members wherein the informant's



uncles, father and brothers died due to the alleged firing and other members were injured.

The main submissions advanced by the learned counsel Mr. Nagendra Kumar appearing for the petitioner are that the allegation of firing is against eight persons but against the petitioner there is no allegation of firing and he was dragged in this case merely on account of having enmity with the prosecution party and one similarly situated co-accused Chinta Devi has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc No.35879 of 2022 and the petitioner has fair and clean antecedent and has been languishing in jail since 04.08.2021.

Learned APP Mr. Uday Chand Prasad appearing for the State as well as learned counsel appearing for the informant has vehemently opposed the bail prayer and submitted that instant matter relates to murder of five persons and the petitioner intentionally concealed his criminal antecedents and there is details of two other FIRs having been lodged against the petitioner and copies of the said FIRs are available with the informant's counsel.

Heard both sides and perused the FIR. As per the allegation made in the FIR the accused persons including the



petitioner forcefully tried to plough the disputed land which was objected by the informant and consequently the accused persons including the petitioner became aggressive and co-accused persons fired at the prosecution party resulting in death of five persons and the petitioner was also a member of the group of accused persons who gave a reason for the happening of the alleged occurrence by attempting to plough the disputed land and the instant matter relates to murder of five persons and as per the submission of learned counsel for the informant the trial of the petitioner is at advance stage and only investigating officer is to be examined. Considering all these facts and mainly taking into account the stage of petitioner's trial and also the seriousness of the occurrence, in the opinion of this Court petitioner does not deserve to the privilege of bail. Accordingly, his bail prayer stands rejected.

The petitioner may renew his bail prayer after six months, if the trial of the petitioner is not concluded in the said period.

(Shailendra Singh, J.)

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