

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59205 of 2021

Arising Out of PS. Case No.-78 Year-2021 Thana- KHAJANCHI HAT District- Purnia

NAWAL YADAV S/O LATE BHUMI YADAV R/o village- Chunapur Road,
P.S.- K. Hat (Madhubani), District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Dr. Bidhu Ranjan, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP
For the Informant	:	Mr. Krishna Prasad Singh, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-04-2022 Heard Mr. N.K. Agrawal, learned Senior Counsel for the petitioner and Mr. Krishna Prasad Singh, learned Senior Counsel for the Informant.

The petitioner is in judicial custody in connection with K. Hat (Madhubani) P.S. Case No. 78 of 2021 registered under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act presently pending before the learned 8th Additional Sessions Judge, Purnea.

The informant has made specific allegation against this petitioner that on the instigation of co-accused Manoj Yadav, he fired on the informant's own brother Jai Kumar Singh which hit his neck and later he succumbed to the injury in course of treatment.



Mr. N.K. Agrawal learned Sr. Counsel, for the petitioner submits that taking the F.I.R. in totality, it seems that the informant has not been an eye witness for which benefit of doubt should be given to the petitioner.

The informant is also represented through Mr. Krishna Prasad Singh, learned Senior Counsel, who apprised the Court that not only the petitioner is the main assailant as reflects from the FIR but also the trial is going on and two witnesses have already been examined. He as such submits that at this stage, it would not be proper to release the petitioner on bail.

Taking into account the aforesaid facts as also that the FIR clearly depicts that it was the petitioner who had opened fire leading to the neck injury and the subsequent death, as also the fact that the trial has already begun and two witnesses have been examined; the bail application of the petitioner is rejected.

(Rajiv Roy, J)

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