

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.59799 of 2021**

Arising Out of PS. Case No.-106 Year-2021 Thana- CHARPOKHARI District- Bhojpur

Vikash Yadav Son of Vinay Yadav Resident of Village - Baraura, P.S. Agion  
(G), District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                    |   |                                   |
|--------------------|---|-----------------------------------|
| For the Petitioner | : | Mr. Prabhat Kumar Singh, Advocate |
| For the State      | : | Mr. Harendra Prasad, APP          |

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

4      21-04-2022                      Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

Petitioner seeks bail in a case registered for the offences punishable under Sections 324, 307/34 of the Indian Penal Code and Section 27 of the Arms Act and later on Section 302 of the Indian Penal Code was added.

As per prosecution case, in brief, it is alleged by the informant Harendra Singh that the marriage of the daughter of his “gotiya” namely Krishna Singh was on 18.06.2021 and Barat stayed in New Primary School Kaup. In the night at about 12:15 A.M. two persons on one red colour Pulsar motorcycle



and two persons on Passion Pro motorcycle came there amongst whom accused Vikash Yadav and Ravi Kumar started causing nuisance in the programme. On objection, Vikash Yadav and Ravi Kumar took out pistol and opened fire upon which the informant's nephew Guddu Kumar aged about 10 years and his cousin Dipu Kumar aged about 13 years were seriously injured and they fell down. Dipu Kumar sustained gunshot injury in his abdomen and Guddu Kumar sustained gunshot on his right leg. It is further alleged that accused petitioner also assaulted the informant on his forehead with sharp panja due to which he fell down. All the three injured persons were admitted to Sadar Hospital, Ara for treatment.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that at the time of place of occurrence in the mid night in Barat where no sources of light to identify the accused petitioner. Learned counsel for the petitioner fairly submits that the petitioner was apprehended at the spot and the allegation against the petitioner and co-accused Ravi Kumar, they are opened fire in Barat. Learned counsel for the petitioner further submits that there is no recovery of any firearm or any kind of weapon.



On the other hand, learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R. and there is direct allegation of firing against the petitioner and the post mortem report also corroborated the allegation as alleged in the F.I.R.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail in connection with Ara Charpokhari P.S. Case No. 106 of 2021 pending in the Court of learned Chief Judicial Magistrate, Bhojpur at Ara.

Prayer is refused.

**(Rajesh Kumar Verma, J)**

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