

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 61317 of 2021

Arising Out of PS. Case No.-41 Year-2021 Thana- BANDHUWA KURAWA District- Banka

BIBHISHAN YADAV Son of Triloki Prasad Yadav Resident of Village -
Kulhariya, P.s.- Saraiyahat, Distt.- Dumka (Jharkhand).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Kumar

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 20-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Bandhu
Kurawa P.S. Case No. 41 of 2021 registered for the offence
under Sections 302 and 34 of the Indian Penal Code and Section
27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 19.08.2021.

The allegation against the petitioner is to commit
murder of the brother of the informant after kidnapping from
home.

Learned counsel appearing on behalf of the petitioner



submitted that it appears from bare perusal of FIR that the informant is not the eye-witness of the occurrence and just for purpose of false implication story has been created. It has also submitted that statement as regard to wound as found upon the body of the deceased, also create to a doubt on the version of informant. It has also been submitted that deceased was also a man of criminal antecedent. It has further pointed out that petitioner is involved in two cases, in which, he is on bail.

Learned APP duly assisted by learned counsel for the informant, Sri Brijnandan Prasad, while opposing the prayer of bail, submitted that there is no reason to decline the version of the informant, where entire prosecution is based upon the statement of injured/deceased, which is amounting to oral dying declaration. It has further been submitted that there is direct/specific allegation against the petitioner to fire upon the deceased, which is in corroboration with the injury, which found upon the body of deceased, as per postmortem report.

In view of the facts and circumstances as mentioned above, as specific allegation of firing upon the brother of the informant is against this petitioner, causing death, this Court is not inclined to grant privilege of bail to the petitioner.

Accordingly, the prayer of bail of the petitioner is



rejected.

The trial court is directed to conclude the trial at the earliest, in accordance with law.

The Superintendent of Police, Banka, is directed to produce the charge-sheeted witnesses, as and when directed by the trial court for expeditious disposal of the trial.

(Chandra Shekhar Jha, J)

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