

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31409 of 2021

Arising Out of PS. Case No.-148 Year-2020 Thana- MUNGER MUFFASIL District- Munger

AMARJEET YADAV @ NATA YADAV Son of Jay Kishor Prasad Yadav @
Jaso Yadav Resident of Village- Shankarpur, P.S.- Mufassil, District- Munger.
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 62536 of 2021

Arising Out of PS. Case No.-148 Year-2020 Thana- MUNGER MUFFASIL District- Munger

NAGE YADAV @ NAGO YADAV Son of Late Shanichar Yadav Resident of
Village - Mai Taufir, Karari Tola, P.s.- Muffasil in the distt. of Munger.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 31409 of 2021)

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Adv.
Mr. Vijay Anand

For the Opposite Party/s : Mr. Binod Kumar No. 3

(In CRIMINAL MISCELLANEOUS No. 62536 of 2021)

For the Petitioner/s : Mr. Sunil Kumar

For the Opposite Party/s : Mr. Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 10-03-2022 Heard learned Senior Counsel for the petitioner,

Amarjeet Yadav, learned Counsel for the petitioner, Nage Yadav,

and learned Additional Public Prosecutor for the State, in both

the cases.

The petitioners seek regular bail in connection with

Mufassil Police Station Case No. 148 of 2020, registered for the

offences punishable under Sections 341/323/379/302/506/34 of

the Indian Penal Code and Section 27 of the Arms Act.



The prosecution case, as per the First Information Report, is that when the son of the informant (Rishideo Singh, now deceased) was coming to his home, along with villager Gautam Singh, after selling the maize crop, they were accosted by the petitioners, who assaulted the deceased and Gautam Singh, snatched their money and it has been alleged that the petitioners, along with two other persons, fired upon the deceased, due to which he died.

Learned Senior Counsel for the petitioner submits that from perusal of the First Information Report, it would be evident that the petitioner, Amarjeet Yadav, along with co-accused Samsher Yadav, fired upon the deceased, due to which he fell down and thereafter co-accused Kare Yadav and the petitioner, Nage Yadav, fired upon him and he died. Accordingly, the submission is that at best, on the firing of the petitioner, the deceased got injured and fell down and the cause of death is not due to the firing of the petitioner, but the firing made by co-accused Kare Yadav and petitioner Nage Yadav. He further submits that from the post mortem examination report, only two fire arm injuries have been found on the body of the deceased and there is allegation of firing upon the deceased by four accused persons.



On the other hand, learned Additional Public Prosecutor, referring to the case diary submits that Gautam Singh, who was accompanying the deceased received injury caused by lathi, danda and is an injured eye-witness, who specifically stated that the petitioners, along with others, fired upon the deceased, due to which he died. He further submits that in the post mortem examination report, two gun shot injury has been found on the body of the deceased.

In reply, learned Counsel for the petitioners submit that from the First Information Report, it appears that due to the injuries caused to Gautam Singh by the accused persons, he fell down and became unconscious and as such he cannot be said to be an eye-witness to the alleged occurrence.

Regards being had to the submissions advanced on behalf of the parties and taking into consideration the materials on record and the fact that there is direct allegation against the petitioners of firing upon the deceased and the statement of the injured Gautam Singh, I am not inclined to grant regular bail to the petitioners, at this stage.

This application is, accordingly, dismissed.

However, the petitioners may renew their prayer for bail after one year from today, if the trial does not show any



progress.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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