

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64288 of 2021**

Arising Out of PS. Case No.-47 Year-2020 Thana- KARPI District- Jehanabad

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Birendra Kumar Son Of Late Lakhan Yadav Resident Of Village - Dian
Bigha, P.S.- Karpi, Distt.- Arwal.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s :	Mr. Vinay Mistry, Advocate
For the Opposite Party/s :	Mr. Ram Naresh Ray, APP
For the Informant :	Mr. Arvind Prasad Singh, Advocate

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 05-05-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by the Stamp Reporter within

two weeks after start of normal functioning of the Court.

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

The petitioner in the present case is seeking regular
bail in connection with Karpi P.S. Case No. 47 of 2020
registered for the offences punishable under Section 302/34 of
the Indian Penal Code. He is in custody since 19.08.2020. He
has got two criminal antecedents as stated in paragraph '3' of
the application.

As per the prosecution story, this petitioner is the sole
assailant who had fired upon the chest of the deceased.

Learned counsel for the petitioner submits that it is a



case of false implication of the petitioner because he was opposing the informant who is involved in the work of Nal Jal Yojana a scheme of the Government. It is also submitted that the informant is an accused in three cases and it is possible that the enemies of the informant tried to kill him but his *Bhagina* Mahesh Kumar suffered the shot and died.

Learned counsel for the informant has vehemently opposed the prayer for bail of the petitioner. It is submitted that the petitioner is specifically named and he is the sole assailant of the deceased, thus, he does not deserve privilege of bail. The argument has been supported by learned APP for the State.

Having regard to the materials available on the record showing that the petitioner is the main assailant who had fired upon the deceased ultimately killing him, this Court is not inclined to release the petitioner on bail.

The prayer for regular bail of the petitioner is, thus, refused.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

