

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.55039 of 2022**

Arising Out of PS. Case No.-361 Year-2021 Thana- KONCH District- Gaya

Shiv Kumar Yadav Son of Vidyanand Yadav Resident of Village - Padrawan
Math , P.S.- Konch, Distt.- Gaya, (Bihar)

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms.Leelawati Kumari, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

2 16-12-2022 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Konch P.S. Case No.361/2021 registered for the offences punishable under Sections 147, 148, 149, 323, 307 and 302 of the Indian Penal Code and Section 27 of the Arms Act. He is in custody since 06.11.2021. He has got no criminal antecedent.

Learned counsel for the petitioner submits that the allegation against the petitioner is that he fired upon one Suraj Yadav who was declared dead at hospital. It is her submission that even as the occurrence took place on 04.11.2021 at 5.00 PM, the information of the same has been given at 10.50 PM and the FIR has been lodged on 05.11.2021 at 6.15 PM after



lapse of one day. Learned counsel further submits that there is no eye witness of the alleged occurrence and the alleged occurrence is said to have taken place on account of a land dispute. It is further submitted that the present case is a counter case of Konch P.S. Case No.384 of 2021 which was lodged against the informant and his father and other family members on the basis of fardbeyan of one Jagdish Yadav.

Learned counsel further submits that on perusal of the First Information Report (Annexure-3) it would appear that Rajbali Yadav had assaulted with iron rod on the head of Jagdish Yadav and Satyendra Yadav had assaulted with lathi on Fulwa Devi due to which both were brutally injured and were hospitalized.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

This Court has perused the impugned order. The learned Additional Sessions Judge-1st, Gaya has perused the case diary and on perusal thereof it has been found that in paragraph '8', '9' and '10' the prosecution witnesses have supported the prosecution allegation and there is ample material in the case diary. The allegation against the petitioner is as main assailant. It is his firing which proved fatal for the life of the



husband of the informant.

This being the position, this Court is not inclined to release the petitioner on bail. His prayer for bail is, thus, rejected.

This application is dismissed.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

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