

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.67537 of 2021**

Arising Out of PS. Case No.-330 Year-2021 Thana- JAMUI District- Jamui

Tuntun Yadav @ Tiger @ Tuntun Kumar, Son of Jai Kishore Yadav @ Karu  
Yadav, Resident of Village Indpe, Police Station and District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                               |
|--------------------------|---|---------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Y.C. Verma, Sr. Advocate<br>Mr. Ashok Kumar Jha, Advocate |
| For the informant        | : | Mr. Rakesh Kumar Sinha, Advocate                              |
| For the Opposite Party/s | : | Mr. Sanjay Kumar Tiwary, APP                                  |

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA  
ORAL ORDER**

3      19-09-2022                      Heard learned counsel for the petitioner, learned APP  
for the State and learned counsel for the Informant.

Let the defect (s), as pointed out by the office, be  
removed within a period of four weeks from the date of  
resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in  
connection with Jamui P.S. Case No. 330 of 2021 registered for  
the alleged offences under Sections 302/34 of the Indian Penal  
Code and Section 27 of the Arms Act.

As per prosecution case, the son of the informant was  
assaulted and killed by the petitioner and other co-accused  
persons.

Learned senior counsel appearing on behalf of the



petitioner submits that the informant is not an eye witness and the petitioner has been falsely implicated in this case as none has seen the occurrence. Informant has alleged that nine persons opened fire on his son, but the post mortem report shows only one injury caused by firearm and this shows that the informant has not witnessed the occurrence. On the date of occurrence, the statement of the informant and his brother were recorded and both of them stated about the co-accused persons firing shots but after the post mortem when the nature of injury became clear after 4 days of occurrence, the statement of the witness Saurabh Kumar was recorded wherein he stated that this petitioner fired the shot which killed the son of the informant. But this witness did not tell this fact either to informant or to the police during these four days whereas, the consistent stand of informant and his brother is that the petitioner and all the co-accused persons opened fire and assaulted the informant. The petitioner is in custody since 12.08.2021 and charge-sheet has been submitted. The petitioner has got no criminal antecedent.

Learned counsel appearing on behalf of the informant as well as learned APP opposes the prayer for bail submitting that the petitioner is named in the FIR and informant has stated about petitioner shooting at the son of the informant and



witnesses in paragraph 52 and 53 of the case diary has specifically named this petitioner, who fired the shot which proved fatal.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the specific allegation against the petitioner that he fired upon the son of the informant and corroborative injury has been found on the body of the informant, I am not inclined to enlarge the petitioner on bail. Hence, the prayer for bail is rejected.

However, the trial court is directed to expedite the trial and conclude the same preferably within nine months.

If the trial is not concluded within a period of nine months, then the petitioner may renew his prayer for bail.

**(Arun Kumar Jha, J)**

Rajnish/-

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