

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13881 of 2022**

Arising Out of PS. Case No.-94 Year-2021 Thana- BARARI District- Katihar

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RUPESH YADAV @ RUPESH KUMAR YADAV SON OF PITAMBER
YADAV RESIDENT OF VILLAGE- MAGHELI JARLAHI, P.O.- JARLAHI,
POLICE STATION- BARARI, DISTRICT- KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Prasad

For the Opposite Party/s : Mr.Ramchandra Singh

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 03-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in connection with
Barari P.S. Case no. 94 of 2021 instituted for the offence under
Section 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

As per allegation in the FIR, petitioner along with
eight other co-accused persons started firing to create fear and
petitioner and co-accused Bhalu Yadav pressed the neck of the
informant's father-in-law as a result of which he died. On
raising alarm by informant, all accused persons fled away.

It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case due to



previous enmity. No specific allegation of firing is against the petitioner. In fact deceased was 82 years old and his death was natural. No sign of strangulation was found on the neck of deceased. There is contradiction in inquest report and the postmortem report, which creates doubt in authenticity of the prosecution case. Petitioner is in custody since 16.12.2021.

The application for bail is opposed by learned APP for the State and learned counsel for the informant and submitted that there is direct allegation of pressing the neck of the deceased against the petitioner.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

However, if the trial of the petitioner is not concluded within a period of six months, he would be at liberty to renew his prayer for bail.

(Sunil Kumar Panwar, J)

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