

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17919 of 2023

Arising Out of PS. Case No.-779 Year-2022 Thana- BRAHMPUR District- Buxar

RAJU YADAV S/O-DHARAMDEO YADAV Village- Chakki Bhola Dera Ps-
Brahmpur Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajesh Kumar Singh, Sr.Advocate
	:	Mr.Ravi Shankar Pathak,Advocate
	:	Mrs. Dimple Kumari, Advocate
For the Opposite Party/s :		Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2023 Heard Mr. Rajesh Kumar Singh, learned senior counsel appearing for the petitioner, learned counsel for the informant and the learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 05.11.2022 in connection with S.T. No.62 of 2023 arising out of Brahmpur (Chakki O.P.) P.S. Case No. 779 of 2022, F.I.R. dated 02.11.2022 registered for the offence punishable under Sections 147,148,149,447,341,323,307,427,504,337,338 of the Indian Penal Code and Section 27 of the Arms Act later on Sections 302 of IPC was added.

3. Allegation against the petitioner is that he fired upon Awadhesh Yadav @ Triloki Yadav causing injury on his stomach and fell down on the roof and got fainted and during



course of treatment, he died.

4. Learned senior counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. Further submits that the present occurrence had taken place due to admitted dispute with respect to the Nali in front of the house of the accused persons and the informant. Further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that the allegation as alleged in the FIR is not supported by the son of the informant. The statement of the son of the informant was recorded which is mentioned in para-35 of the case diary.

5. Learned counsel for the informant and learned APP for the State, on the other hand, have opposed the prayer for bail of the petitioner and submits that it has come during investigation that there is direct and specific allegation against the petitioner that he fired upon the victim and during treatment, the victim died.

6. Considering the aforesaid facts that there is direct and specific allegation against the petitioner that he fired upon the deceased-Awadhesh Yadav @ Triloki Yadav and the postmortem report also supports the allegation as alleged in the



FIR, I am not inclined to enlarge the petitioner on bail in connection with S.T. No.62 of 2023 arising out of Brahmpur (Chakki O.P.) P.S. Case No. 779 of 2022 pending in the court of learned A.D.J.-4th, Buxar.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

Nitesh/-

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