

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18848 of 2022

Arising Out of PS. Case No.-9 Year-2019 Thana- MAIRWAN District- Siwan

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DILIP YADAV Son of Late Ranglal Yadav Resident of Village - Phulwaria,
P.S.- Mairwa, Distt.- Siwan at Present at Bousi Purdaha, P.S.- Mairwa, Distt.-
Siwan. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Janardan Singh, Sr. Advocate
	:	Mr. Satyanand Shukla, Advocate
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay, APP
For the informant	:	Mr. Prashant Kumar, Advocate
	:	Mr. Shashank Shekhar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 11-01-2023 Heard the learned counsel for the petitioner and the
learned APP for the State.

The present petition is by way of third attempt at the behest of the petitioner for grant of regular bail in connection with Mairwa PS case no. 09 of 2019, registered under Sections 341, 323, 307, 302/34 of the Indian Penal Code and Section 27 of Arms Act, inasmuch as the earlier petitions filed by the petitioner for grant of bail have all stood rejected.

The case of the prosecution, as per the allegation in the F.I.R., is that the informant and the accused persons are agnates and there was some dispute with respect to immovable property and construction of RCC road, leading to the accused persons having obstructed the construction of RCC road, which



had further resulted into altercation in between the parties. It is also alleged in the F.I.R. that the petitioner had fired upon the elder brother of the informant namely Krishna Yadav, on his forehead, resulting in him receiving gunshot injury and his subsequent death.

The learned Senior counsel for the petitioner has submitted that the petitioner is languishing in custody since 19.01.2019, however, there is no progress in the trial.

Per contra, the learned APP for the State and the learned counsel for the informant have vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the fact that the petitioner is the main assailant who has committed gruesome murder of the deceased, apart from the fact that there is no change in circumstance, so as to warrant re-consideration of the prayer of the petitioner for grant of bail, I do not find any merit in the present petition, hence, the same stands dismissed.

(Mohit Kumar Shah, J)

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