

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23433 of 2023

Arising Out of PS. Case No.-82 Year-2022 Thana- MORKAHI District- Khagaria

BOTAL YADAV @ SURENDAR YADAV Son of Triveni Yadav R/V-
Santosh Ward no. 10 Post- Chatar, P.S- Allouli, Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Adv. Mr. Rajesh Kumar, Adv.
For the State	:	Mr. Mithlesh Kumar Khare, APP
For the Informant	:	Mr. Ram Nibash Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 04-12-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for bail in a case
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, all the FIR named
accused persons and three unknown persons having arms in
their hand surrounded the informant's brother, namely
Chandan Kumar by pointing arms. Accused Sanjay Yadav
shot fire on his head as a result of which he fell down and
petitioner and co-accused Rupesh Kumar fired him which
hit his thigh and co-accused Subhash Kumar Yadav fired
shot on his hand and they fled away. Nearby people



assembled there and sent the injured to Khagaria Sadar Hospital where, doctor declared him brought dead.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case due to political rivalry as the deceased was elected for PACS President post and petitioner's family was the rival contestant. The F.I.R. has been lodged after the delay of 2 days. During investigation, co-accused Rajeev Kumar has confessed his guilt that he is a Supari killer and he has murdered the deceased. Petitioner is languishing in judicial custody since 04.12.2022.

The application for bail is opposed by learned APP for the State and learned counsel for the informant and submitted that the petitioner is named in the FIR. Postmortem report corroborates the prosecution story. Several gunshot injuries were found on the body of the deceased. Doctor opined cause of death due to gun-shot injury. It is further submitted that prayer for bail of similarly situated co-accused namely, Rupesh Kumar has already been rejected by this Bench vide order dated 12.07.2023 passed in Cr. Misc. No. 21342 of 2023.



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.

The trial court is directed to expedite and conclude the trial.

(Sunil Kumar Panwar, J)

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