

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30865 of 2023

Arising Out of PS. Case No.-111 Year-2019 Thana- DULHIN BAZAR District- Patna

Vimal Yadav @ Vimal Kumar Son Of Late Pannulal Yadav @ Pannu Yadav
Village- Sarkuna, P.S.-Dulhin Bazar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 31180 of 2023

Arising Out of PS. Case No.-111 Year-2019 Thana- DULHIN BAZAR District- Patna

Mani Bhashkar Kumar Yadav @ Samir @ Mani Bhashkar Yadav@ Samir
Kumar Son Of Late Satyendra Kumar @ Satyendra Yadav Village Sarkuna,
P.S.- Dulhin Bazar, District Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 30865 of 2023)

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Paras Nath, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

(In CRIMINAL MISCELLANEOUS No. 31180 of 2023)

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Paras Nath, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-08-2023 Heard Mr. Krishna Prasad Singh, learned counsel for

the petitioners assisted by Mr. Paras Nath, Advocate and learned

Additional Public Prosecutor for the State.

2. Petitioners seek bail, who are in custody since
21.09.2022 in connection with Dulhin Bazar P.S. Case No. 111
of 2019, F.I.R. dated 30.04.2019 for the offences punishable
under Sections 302/34 of the Indian Penal Code and Section 27



of the Arms Act.

3. According to prosecution case, in brief, is that on 29.04.2019 at about 6:30 P.M., the father of the informant was going to his Khalihan (Granary yard) in the meanwhile accused persons namely Umesh Yadav and the petitioner Vimal Yadav were seen near the house of Gorakh Yadav having armed with Katta who after witnessing the informant claimed to see standing the co-accused persons namely, Rajkumar Yadav and petitioner Manibhashkar Kumar Yadav @ Sameer then he got suspicion about some un-towards incident and further the informant went towards the field. It is further alleged that the informant saw that co-accused Rajkumar Yadav was trying to put down his father in the meanwhile Umesh Yadav shot fired upon his father, second shot was fired by petitioner Mani Bhashkar Kumar Yadav @ Samir and third shot was fired by the petitioner Vimal Yadav due to which informant's father namely, Dharikshan Yadav died at the spot.

4. Learned counsel for the petitioners submits that petitioner namely, Vimal Yadav @ Vimal Kumar has carries four criminal antecedent other than the present one and petitioner namely, Mani Bhashkar Kumar Yadav @ Samir @ Mani Bhashkar Yadav @ Samir Kumar has clean antecedent. He



further submits that they has falsely been implicated in the present case and the allegation as alleged in the F.I.R. false and fabricated and petitioners have not committed any offence as alleged in the F.I.R. and the informant is not the eye witness of the alleged occurrence.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against these petitioner that they have fired upon the father of the informant and the postmortem report of the father of the informant also suggest that he has received three bullets injury and number of witnesses have also supported the case of the prosecution.

6. Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Dulhin Bazar P.S. Case No. 111 of 2019, pending in the court of learned Additional Chief Judicial Magistrate-3rd, Danapur, Patna.

Prayer is refused.

(Rajesh Kumar Verma, J)

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