

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30352 of 2022**

Arising Out of PS. Case No.-139 Year-2017 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Bimal Yadav S/O Jhatahu Yadav @ Zatahu Yadav R/O Village- Kasimpur,
P.S.- Kusheshwar Asthan, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary
For the Opposite Party/s : Mr.Rajiv Nayan, App,231

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

4 17-04-2023 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a case registered for the offences punishable under Sections 147, 148, 149, 324, 307, 302, 506 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per F.I.R is that when the informant and others were working in their paddy field, all the F.I.R named accused persons including the petitioner came when on the order of co-accused Lakshmi Yadav, this petitioner fired at the son of the



informant namely Gauri Shankar Yadav who sustained gunshot injuries and died on the place of occurrence.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The informant is full brother of the father of the petitioner and in the background of some land dispute, the present accusation has been levelled. There is contradiction in the facts mentioned in the fardbeyan as well as the statement of the injured Makeshwar Yadav in respect to the specific overt act of making fire by the petitioner upon deceased Gauri Shankar Yadav due to which he shot dead. The petitioner is languishing in custody since 09.03.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

In contra, learned counsel appearing on behalf of the informant and learned A.P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the petitioner and submitted that there is specific



allegation against the petitioner that he shot fire at the son of the informant, as a result of which, he received gunshot injuries and died. The postmortem report also corroborates the case of the prosecution. The independent witnesses also supported the case of the prosecution.

Considering the fact that there is specific accusation against the petitioner to have shot at the son of the informant resulting into his death, this Court is not inclined to grant bail to the petitioner. The prayer for grant of bail to the petitioner stands rejected.

The Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Sunil Kumar Panwar, J)

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