

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40669 of 2021**

Arising Out of PS. Case No.-189 Year-2019 Thana- CHARPOKHARI District- Bhojpur

DIPAK YADAV Son of Dindayal Yadav Resident of Village - Nahasi, P.S.-
Agaion (G), District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. J.N. Thakur ,APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

7 04-04-2023 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the office within one month.

Heard learned counsel for the petitioner as well as
learned APP J.N. Thakur for the State.

In this case, the petitioner is seeking regular bail in
connection with Charpokhary P.S. Case No. 189 of 2019, registered
for the offences punishable under Sections 302, 307, 120(B) of the
IPC and 27 Arms Act.

As per allegation, six named accused persons including
the petitioner were opening celebratory firing by their arms at the
occasion of a birthday party. When brother of the deceased, Niraj
Kumar @ Niraj Bhatt prohibited from firing they started assaulting
them. In order to save their lives they fled away then accused persons
chased them. As per allegation, co-accused Ashok Yadav, Dhiraj



Kumar, Bittu Kumar and Prem Yadav caught hold of the son of informant and the petitioner fired shot with his pistol at his chest. Doctor declared him dead.

Learned counsel for the petitioner has submitted that petitioner is innocent and has falsely been implicated. There is no source of light to identify the petitioner.

On the other hand, learned APP has opposed the prayer for bail by referring paragraph numbers 11, 12, 13 and 14 of the case diary. He has mentioned that Chunmun Kumar, Niraj Kumar and other eye witness have supported the occurrence and as per postmortem report, firearm injury was present at the chest of the deceased and other abrasions are also there.

Considering the above-mentioned facts and circumstances, I do not think it to be a fit case for bail. Accordingly, it is rejected.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned herein above, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Sudha/Sonali

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