

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32610 of 2023

Arising Out of PS. Case No.-15 Year-2023 Thana- KORMA District- Sheikhpora

DEVAN YADAV S/O SRI PASHUPATI YADAV R/O Village- Puraina, P.S-
Korma, Distt.-Sheikhpura. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ritesh Kumar, Advocate

For the Opposite Party/s : Mr.Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-06-2023 Heard the parties.

The petitioner is in custody since 29.1.2023 in connection with Korma P.S. Case No. 15 of 2023 for the offence punishable under Sections 147, 148, 149, 341, 342, 323, 324, 325, 307, 302, 120(B) of the I.P.C. and section 27 of the Arms Act lodged on 28.1.2023 by the informant Bilas Yadav.

The prosecution story, in brief, is that the informant Bilas Yadav has alleged that on 28.1.2023 while he along with his brother was returning after seeing the field and reached near the house of Rudal Yadav, he saw that the accuseds Devan Yadav, Rajnandan Yadav, Sakaldeo Yadav, Ravish Kumar, Pashupati Yadav, Sarjan Yadav and Pankaj Yadav surrounded them and Pashupati Yadav ordered to kill both the brothers upon which, Devan Yadav, Rajnandan Yadav, Sakaldeo Yadav fired from rifle, gun and pistol which hit the neck and chest of Adalat Yadav as a result whereof, he fell down there. Thereafter, Sarjan Yadav on the order of Ravish, opened fire which hit the chest of



the informant. Similarly, Pankaj Yadav also fired but the bullet passed over the head of the informant.

Learned counsel for the petitioner submits that there is case and counter case in the matter in which both sides have suffered death and further there is omnibus allegation against him of opening fire.

Per contra, learned counsel for the informant submits that he was amongst the accused persons who opened fire which hit Adalat Yadav which resulted into his death. He has further submitted that contrary to the statement made in paragraph-3 that he he has only one criminal antecedent actually he is accused in four cases and as an illustration, provided copy of FIR, vide Sheikhpura P.S. Case No. 529 of 2021 lodged on 12.10.2021 which shows that the petitioner was sole accused in the said case.

In view of the allegation that has come in the FIR followed by the fact that the petitioner has tried to suppress his criminal antecedent, this Court is not inclined to extend him the privilege of bail which is accordingly rejected.

(Rajiv Roy, J)

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