

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32308 of 2022

Arising Out of PS. Case No.-296 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Pappu Yadav Son of Late Bano Yadav Resident of Village - Sikandarpur Ward
no.08, P.s.- Muffasil, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Adv.
For the Opposite Party/s : Ms. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 18-01-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Muffasil P.S.
Case No. 296/2021 registered for the offence punishable under
Section 302 read with section 34 of the Indian Penal Code (for
brevity 'IPC') and 27 of the Arms Act.

The prosecution case is that the informant's son left his
home along with his friend Bittu Kumar. Subsequently, the informant
has learned about the petitioner along with several other persons
named in the First Information Report (for brevity 'FIR') having
assaulted the petitioner by various means. It is also alleged that the
petitioner has fired upon the son of the informant (Kanhaiya Kumar).

Learned counsel for the petitioner submits that victim, as
per the post mortem report has sustained two fire arm injuries,
whereas the allegation is that petitioner had fired one gun shot on the
deceased. In fact, the post mortem does not, therefore, sustain the
allegation of the petitioner being author of the fatal injury. The
submission is that the deceased was indulging in some illicit
business, and therefore, he has been killed by someone and the



petitioner along with others have falsely been implicated. It is also submitted that the petitioner has no criminal antecedents and he is in custody since 25.05.2021.

Learned APP for the State has opposed the prayer for bail. It is submitted that the specific allegation of post mortem also supports killing by means of fire arms.

Considering the rival submissions, manner of occurrence and the fact that the petitioner has been implicated by name of having fired upon deceased leading to his death, this Court, for the purposes of grant of bail, is not inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is rejected.

(Madhuresh Prasad, J)

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