

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33101 of 2023**

Arising Out of PS. Case No.-478 Year-2022 Thana- KHAGARIA District- Khagaria

PINKU YADAV @ GIRDHAR YADAV @ MADHAV YADAV Son of Shiv
Chandra Yadav @ Shiv Nandan Yadav @ Shiv Nandan Prasad Yadav
Resident of Village - Mathar, P.S.- Muffasil, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 11-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Khagaria
(Muffasil) P.S. Case No. 478 of 2022 registered for the offence
under Sections 302, 120-B of the Indian Penal Code and 27 of
the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 22.11.2022.

The allegation against this petitioner is to commit
murder of brother of informant by causing firearm injuries,
where bullet hit auricle having both entry and exit wounds



causing death of brother of informant, where occurrence arises out of measurement of disputed land.

Learned counsel appearing on behalf of the petitioner submitted that occurrence arises out of land dispute, where implication is not appearing convincing in view of investigation as the mobile tower location of petitioner found alongwith injured/deceased, while going to village as per para 80 of the case diary. It is submitted that petitioner found involved in three cases, where he is already acquitted in two cases and in one remaining case he is on bail and moreover, investigation of this case is completed, for which charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel Mr. Arun Kumar Tiwari appearing on behalf of informant, while opposing the prayer of bail submitted that specific allegation as to cause fatal firearm injuries is available against this petitioner and there is no reason to disbelieve the version of informant being an eye witnesses of the occurrence.

Considering the facts and circumstances as mentioned above, as allegation to cause fatal firearm injuries is specifically available against this petitioner, where there is no reason to



disbelieve the version of informant being an eye witness of the occurrence, this Court is not inclined to grant privilege of bail to the petitioner, at present.

Accordingly, the prayer for bail of the petitioner is rejected herewith.

Learned Trial Court is directed to conclude the trial, preferably, within a period of 09 (nine) months from the date of receipt of the copy of this order, by taking this matter on board, on day-to-day basis, failing which petitioner may renew his prayer of bail, if so advised.

The presence of I.O. of this case is dispensed with.

(Chandra Shekhar Jha, J)

Archana/-

U		T	
---	--	---	--

