

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36925 of 2023

Arising Out of PS. Case No.-191 Year-2022 Thana- GAMAHARIYA District- Madhepura

Dukha Yadav @ Dukha Prasad Yadav Son Of Late Anup Yadav Resident Of
Village- Jogbani, Ward No. 14, Ps- Gamharia, Distt- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad

Ms.Pooja Prasad

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 18-08-2023 Heard learned counsel for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence under Sections 302, 120B, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, all the F.I.R. named accused persons including this petitioner alongwith 4-5 unknown persons, by hatching a conspiracy, shot dead the son of informant. It is further alleged that on hearing the sound of firing, when informant went to the place of occurrence, he saw this petitioner alongwith other accused persons fleeing away from the place of occurrence.

4. It is submitted on behalf of petitioner that petitioner has been made accused in this case only on suspicion. Informant is not eye-witness to the occurrence and there is no specific allegation against this petitioner. Petitioner was only seen



fleeing away from the place of occurrence. In fact, nobody has seen this petitioner committing the alleged offence.

5. However, learned A.P.P. for the State opposes the bail petition and submits that petitioner is named in the F.I.R. and he was seen by the informant while he was fleeing away alongwith others from the place of occurrence.

6. Considering the same, the prayer for anticipatory bail of petitioner is rejected.

(Prabhat Kumar Singh, J)

anay/-

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

