

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39724 of 2022

Arising Out of PS. Case No.-62 Year-2021 Thana- MANSI District- Khagaria

LUCHO YADAV SON OF BECHO YADAV R/O WARD NO.-1 RAJAJAN,
P.S.- MANSI, DISTRICT- KHAGARIA Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abul Kalam

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 09-01-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for bail in a case instituted
for the offence under Section 302/34 of the Indian Penal Code
and Section 27 of the Arms Act.

As per allegation in the FIR, when the informant was
sitting at his door and he forbade the petitioner from passing his
tractor from his door as the same was not a common path on
which he alsong with several accused persons came there armed
with weapons. On order of Becho Yadav and Jawahar Yadav,
petitioner Lucho Yadav fired which hit his son Munnu Yadav
and in way to hospital, he succumbed to injuries. It is further
alleged that when informant tried to save his son, co-accused
Rajesh Yadav and others have assaulted him as a result of which
he sustained injuries in his right hand.



It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case due to land dispute. During investigation, I.O. has not found any blood stain at the place of occurrence, which creates doubt in authenticity of the prosecution story. Petitioner is in custody since 04.03.2021.

The application for bail is opposed by learned APP for the State and learned counsel for the informant and submitted that there is direct allegation of firing against the petitioner as a result informant's son died. During investigation, several witnesses have supported the prosecution case and it is mentioned in the impugned order that death caused due to fire arm injury.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial court is directed to expedite and conclude the trial.

(Sunil Kumar Panwar, J)

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