

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44982 of 2023**

Arising Out of PS. Case No.-279 Year-2022 Thana- BARHARIA District-
Siwan

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AMAL YADAV @ AMAR KUMAR YADAV @ AMAR YADAV Son of Ram
Kishun Yadav @ Ram Kishun Chaudhary Resident of village-Dudhai Bari,
Police Station-Barharia, District-Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghav Prasad

For the Opposite Party/s : Mr.Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-10-2023 Heard Mr. Raghav Prasad, learned counsel for the
petitioner and Mr. Madhuri Lata, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Barharia P.S. Case No. 279 of 2022 registered for the offence
under Sections 341, 307 and 34 of the Indian Penal Code and
Section 27 of the Arms Act.

The petitioner and others are alleged to have opened
fire upon the daughter of the informant due to which she
sustained gun shot injury on her right thigh.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the allegation, as alleged in the
F.I.R., is false and fabricated and the petitioner has not committed



any offence. He further submits that there is no eye witness to the alleged occurrence even the informant has not seen the occurrence. He further submits that on bare perusal of the F.I.R., it appears that the specific allegation of firing upon the daughter of informant is attributed to the co-accused Ravi Yadav and no specific allegation of firing or any overt act is attributed to the petitioner.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim has been recorded under Section 161 Cr.P.C. in which she has categorically stated that the co-accused Ravi Yadav has opened fired upon her and this petitioner along with another tried to caught hold her while she was fleeing. He further submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case and the nature of allegation, this Court does not find it a fit case for grant of anticipatory bail to the petitioner. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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