

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40538 of 2022**

Arising Out of PS. Case No.-117 Year-2019 Thana- SARMERA District- Nalanda

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Dhanushdhari Yadav S/O Late Ramashish Yadav Resident of village- Sarfraj  
Nagar Kumbhra, P.S.- Goshwari, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sudish Kumar, Adv.

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP.

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**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

6      16-03-2023                      Heard learned counsel for the petitioner and the  
learned APP for the State.

Petitioner seeks regular bail in connection with  
Sessions Trial No. 228/2020 arising out of Sarmera P.S. Case  
No. 117 of 2019 registered for the offences punishable under  
Section 302/34 of the Indian Penal Code and Section 27 of  
Arms Act.

As per the prosecution, the informant and his father  
were surrounded and assaulted by this petitioner along with  
other two co-accused persons. It is further alleged that this  
petitioner fired at the chest of the informant's father owing to  
which the informant's father succumbed to his injury.

The main submissions advanced by petitioner's  
counsel are that upon the petitioner, the charge was framed on  
07.12.2020 and thereafter only one witness has been examined



till now, which show the lingering attitude of the prosecution in producing the prosecution's witnesses before the trial Court and during investigation, the persons of the adjoining and near the place of occurrence were not examined and there is no any independent witness of the alleged occurrence and during investigation, only family members of the deceased supported the allegation and the petitioner has been languishing in jail since 23.07.2019 and having fair and clean antecedent.

Learned APP appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the case diary of this case.

Considering the seriousness of the occurrence which relates to murder and the petitioner is carrying specific allegation of causing fire-arm injury at the chest of the informant's father, in my opinion it is not a fit case for bail to the petitioner. Accordingly, his prayer for bail stands rejected.

The petitioner may renew his bail prayer after six months if any significant progress is not made in his trial in the said period.

**(Shailendra Singh, J)**

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