

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43983 of 2022**

Arising Out of PS. Case No.-185 Year-2019 Thana- BIHPUR District- Bhagalpur

ARUN YADAV Son of Khantar Yadav Resident of Village - Ganaul, P.s.-
Bihpur, Distt.- Bhagalpur. Petitioner/s

Versus

The State of Bihar Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 15-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in a case registered for the offences punishable u/s 147, 148, 149 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, the petitioner and the co-accused persons took out their pistols and fired on the father of the informant, due to which his father died on the spot and all the accused persons fled away.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case due to village politics. The I.O. of this case has made investigation and found no material against the petitioner and the co-accused



persons but learned lower court took cognizance against the petitioner and the co-accused persons. There is general and omnibus allegation against the petitioner of firing on the father of the informant. The petitioner has no criminal antecedent as stated at para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the postmortem report reveals that the cause of death is hemorrhage and shock due to injuries caused by fire arms.

Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, I am of the view that no case for grant of anticipatory bail is made out and the same is rejected with direction to the petitioner to surrender before the Court below concerned within six weeks from the date of this order and the prayer for regular bail, the learned Court below will consider his prayer for regular bail in accordance with law without being prejudiced by this order.

The application stands rejected.

(Chandra Prakash Singh, J)

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