

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44565 of 2023

Arising Out of PS. Case No.-387 Year-2021 Thana- NATHNAGAR District- Bhagalpur

Vikram Yadav S/O Arvind Yadav R/O Village- Digghi Kishanpur, Ps.
Madhusudanpur, Dist. Bhagalpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Syed Masleh Uddin Ashraf

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 18-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 147, 149, 302 of the IPC and Section 27 of the Arms Act.

As per FIR, the allegation against the petitioner and co-accused persons is that they due to previous dispute started abusing and assaulting the son and nephew of the informant and in the course of the occurrence, co-accused, namely Bishnu Yadav provided pistols and cartridges to the petitioner and co-accused. After that the petitioner fired upon the son of the informant namely Govind Kumar and co-accused namely, Jitin Yadav fired upon Raj Kumar due to which both of them



sustained injuries. Thereafter, they were taken to hospital where doctor declared them dead.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to previous enmity. The informant is not an eye witness of the alleged occurrence. It is further submitted that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 31.07.2021.

Learned APP appearing for the state has vehemently opposed the prayer of regular bail and submitted that the petitioner is named in the FIR and there is direct allegation of firing upon the son and nephew of the informant. As per postmortem report which is annexed with case diary wherein doctor opined cause of death due to haemorrhage and shock caused by firearm wound/s. It is further submitted that during investigation witnesses also supported the prosecution version.

Having heard the learned counsel for the parties and considering the fact that there is direct allegation against the petitioner of opening fire upon the son of the informant, resulting into his death, 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 the trial and conclude the same within nine months failing which the petitioner will be at liberty to renew his prayer for bail.

(Sunil Kumar Panwar, J)

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