

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44749 of 2023

Arising Out of PS. Case No.-9 Year-2023 Thana- RAJNAGAR District- Madhubani

KISHUN YADAV @ KISHUN KUMAR Son of Sahdeo Yadav Resident of
Village - Ranti Mohanpur, P.S.- Rajnagar, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar , APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-09-2023 Heard learned counsel for the petitioner and the

State.

2. Petitioner apprehends arrest in a case registered for
the offence punishable under sections 302 and 120(B) of the
IPC and 27 of Arms Act.

3. As per the prosecution case, on January 18, 2023, at
about 08:00 am, Prakash Kumar Yadav, Badal Yadav, and
Ganesh Yadav came to the informant's house on an Apache
motorcycle bearing Reg. No. BR-07AK-9835 and told his son
Deepak Kumar to accompany them to Rampatti. They took his
son to the house of Santosh Ram, and due to some previous
enmity, six miscreants surrounded his son and started to fire
indiscriminately, due to which his son was seriously injured. He
was taken to Sadar Hospital, Madhubani, and later his son was



declared dead.

4. It is submitted that petitioner is not named in the FIR. The name of petitioner transpired name transpired during course of investigation on the confessional statement of Rohit Yadav which has got no evidentiary value . Informant is not an eye witness of the alleged occurrence .

5 . However, learned counsel for the State opposes the prayer for bail and submits that during course of investigation, number of witnesses have supported the prosecution case and have stated that this petitioner was seen at the place of occurrence with weapons. As per Post Mortem report, the deceased sustained multiple gunshot injury due to which he died. Petitioner has got two criminal antecedents of similar nature .

6. Considering the facts and circumstances of the case and also the fact that petitioner has got two criminal antecedents of similar nature and gravity of allegation, prayer for pre-arrest bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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