

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51853 of 2023**

Arising Out of PS. Case No.-105 Year-2019 Thana- GOPALPUR District- Bhagalpur

TUFNA YADAV @ RAMESH YADAV S/O NAIGAR YADAV R/O
VILLAGE- CHAPAR, PS. (RANGRA) GOPALPUR, DIST. BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 08-12-2023 1. Heard the learned counsel for the petitioner and
the learned APP for the State.

2. The present petition is by way of second attempt at the behest of the petitioner for grant of regular bail in connection with Gopalpur (Rangra) P.S. Case No.105 of 2019, registered for the offence punishable under Sections 147, 148, 149, 342, 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act, inasmuch as the earlier prayer for grant of regular bail was rejected by this Court by an order dated 11.01.2023, passed in Cr.Misc.No.38025 of 2022.

3. The case of the prosecution, in brief, is that the informant alongwith her husband, namely, Bitan Yadav had gone to the field on 14.04.2019 at about 6:00 A.M., to cut the grown up grass of the maize crop and while they were



returning, the accused persons including the petitioner herein had surrounded the husband of the informant and as far as the petitioner is concerned, he had fired gun-shots on the husband of the informant, resulting in him being hit by a bullet, whereupon he had fallen on the ground and then the other accused persons had also fired gun-shots.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 19.07.2021, hence a sympathetic view be taken and the petitioner be granted the privilege of bail.

5. Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record this Court finds that there is no change in the circumstances so as to warrant reconsideration of the prayer of the petitioner for prayer for bail, apart from the fact that the petitioner had fired gunshots on the husband of the informant, resulting in him sustaining gunshot injuries and his subsequent death, thus I do not find any merit in the



present petition, hence the present petition stands dismissed.

(Mohit Kumar Shah, J)

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