

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47753 of 2023

Arising Out of PS. Case No.-90 Year-2020 Thana- ISMAILPUR District- Bhagalpur

=====

TUFANI YADAV @ TUFNA YADAV @ RAMESH YADAV Son of Naigar
Yadav @ Nengar Yadav @ Nagendra Yadav Resident of Village-Chapar, P.S.-
(Rangra) Gopalpur, District-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

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

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

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with S.T. NO.
395 of 2022 corresponding to Ismailpur P.S. Case No. 90 of 2020
registered for the offence under Sections 302 of the Indian Penal
Code and Sections 25(1-B)a, 26, 35 and 27 of the Arms Act.

The younger brother of the informant is alleged to have
been killed.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner has not been
named in the F.I.R., however, his name transpired in this case on
the basis of confessional statement of the co-accused persons.
Save and except the confessional statement of the co-accused, no
cogent material has surfaced during course of investigation



suggesting the involvement of the petitioner in the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 20.12.2021.

Learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that the name of this petitioner has surfaced during course of investigation on the basis of confessional statement of the co-accused and thereafter some witnesses have also supported the statement of the accused persons. He further submits that it has come during investigation that the petitioner has fired upon the victim and the medical evidence also supported the allegation alleged against the petitioner. He further submits that there is direct and specific allegation against the petitioner that he has killed the deceased by inflicting him gun shot injury.

Considering the facts and circumstances of the case and the rival submission of the parties, this Court is not inclined to grant the privilege of bail to the petitioner. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

brajesh/-

U		T	
---	--	---	--

