

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50162 of 2023

Arising Out of PS. Case No.-242 Year-2022 Thana- NOORSARAI District- Nalanda

Shailendra Yadav @ Shailendra Kumar Son Of Raj Kumar Yadav R/O-
Chhatarpur, P.S.-Noorsarai, Distt.-Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Y.C. Verma, Adv.

Mr. Priyanka Singh

For the Opposite Party/s : Mr.Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-10-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for bail in a case
instituted for the offence under Sections 302, 341, 324, 326,
307, 504, 506/34 of the Indian Penal Code and Section 27
of the Arms Act.

As per allegation in the FIR, while the informant
(deceased) was going to Khalihan, petitioner and three
others came in front of him with arms and threatened him to
leave the land otherwise he will kill him. Petitioner opened
fire which hit his left side of chest and accused Kailendra
Yadav also opened fire which passed touching his left hand.
It is further alleged, that when informant fell down, all



accused persons, with intention to kill, assaulted him with lathi, danda. Hearing the sound of firing, local people assembled there and accused persons managed to flee.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case due to previous enmity and land dispute. Petitioner is a government teacher and though he is named in the FIR but he was not present at the place of occurrence. Petitioner has got no criminal antecedent and languishing in judicial custody since 14.11.2022.

The application for bail is opposed by learned APP for the State and submitted that informant is author of the FIR. There is direct allegation of firing against the petitioner in the FIR as a result of which informant died during course of treatment. Postmortem report also shows cause of death due to septicemia as a result of chest injury due to fire arm. During investigation, several witnesses have supported the prosecution story.

Having heard the learned counsel for the parties and considering the nature of allegation, 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 and conclude the trial.

(Sunil Kumar Panwar, J)

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