

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64112 of 2023**

Arising Out of PS. Case No.-170 Year-2019 Thana- KUSHESHWARASTHAN District-
Darbhanga

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KHALTU YADAV @ ARBIND YADAV SON OF LATE NAGO YADAV @
NAGESHWAR YADAV RESIDENT OF VILLAGE- MORKAHI, PS-
MUFFASIL, DISTT- KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Singh, Adv
		Mr. Ranjeet Kumar Singh, Adv
For the Informant	:	Mr. Narendra Kumar Singh, Adv
For the Opposite Party/s	:	Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Kusheshwar Asthan P.S. Case No. 170 of 2019 registered on
08.07.2019 lodged under Sections 341, 342, 323, 302, 34 I.P.C and
Section 27 of the Arms Act.

3. As per the prosecution case, F.I.R. has been lodged
against six named accused persons and allegation of firing is there
against three persons namely Bhim Yadav, Chand Yadav and the
petitioner himself. It has been alleged in the F.I.R. that due to gun
shot injury the deceased Avinash Yadav died on spot and thereafter,
the said three persons started indiscriminate firing upon the
informant as well.



4. Counsel further submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 01.04.2023 having no criminal case pending against him. He further submits that from the rejection order of the present case, it is crystal clear that previous enmity is going on between the informant and the petitioner's side. From the petitioner side there is one criminal case namely Sahebpur Kamal P.S. Case No. 342/2018 has been lodged in which death has been caused on the side of the petitioner by the informant side.

5. Counsel submits that they are resident of the same village and basically adjacent door neighbours and admittedly there is a long pending land dispute is going on. Counsel submits that only with a view to teach him a lesson and that in a case filed by the petitioner side, the present petitioner could not adduce evidences against the informant side, the present case has been transplanted.

6. Learned counsel for the State opposes the prayer for bail.

7. Counsel for the informant vehemently opposes the prayer for bail and submits that vide order no. 2 dated 12.10.2023 case diary has been called for and in post-mortem



report three injury has been shown on the dead body and all injuries are in the nature of lacerated wound. Counsel further submits that the specific allegation in the F.I.R. against three persons to fire on the deceased and deceased received three injuries.

8. In reply counsel for the petitioner responds and submits that from which pistol deceased has been shot is still not clear.

9. Upon specific query of the Court that whether charge has been framed or not, Counsel for the petitioner submits that as per his knowledge, charge has not been framed yet.

10. Upon perusal of records, this Court is not inclined to grant bail to the petitioner. However, petitioner is at liberty that he may renew his prayer for bail after framing of charge.

(Dr. Anshuman, J)

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