

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53046 of 2022

Arising Out of PS. Case No.-278 Year-2022 Thana- NARPATGANJ District- Araria

1. Upendra Yadav S/O Anmol Yadav Resident of Village Bibiganj(Tamganj), Ward No.8, P.S. Narpatganj, District- Araria
2. Randhir Yadav Son of Upendra Yadav Resident of Village Bibiganj(Tamganj), Ward No. 8, P.S. Narpatganj, District-Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

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

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

2 14-02-2023 Heard learned counsel for the petitioners and the learned
APP for the State.

Petitioners seek regular bail in connection with Narpatganj P.S. Case No. 278 of 2022 registered for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of Arms Act.

As per the prosecution, the informant alleged that eleven accused persons came at the alleged place and opened indiscriminate firing, due to which the informant's wife died and several other people were injured.

The main submissions advanced by learned counsel for the petitioners are that both the petitioners have been languishing in jail since 17.06.2022 and the instant matter

relates to celebratory firing having taken place on the marriage ceremony of the daughter of petitioner no.1 and in the FIR there is no specific allegation against both the petitioners and in fact one of the petitioner is himself a victim of the said firing.

Learned APP has opposed the bail prayer.

Having considered the seriousness of the occurrence which relates to murder and attempt to murder allegedly committed by eleven named accused persons and both the petitioners were alleged to be part of the company of the said accused persons, though as per the defence taken by the petitioners the alleged firing was made in the celebration of the marriage ceremony of the daughter of petitioner no. 1 but even then the said act can be deemed to be very serious in nature as the same resulted in death of one person and causing firearm injury to five persons so in such a situation, in the opinion of this Court both the petitioners do not deserve the privilege of bail. Accordingly, their bail prayer stand rejected.

Both the petitioners are being given liberty to renew their bail prayer after six months if no progress is made in their trial by the concerned Trial Court.

(Shailendra Singh, J)

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