

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60704 of 2022

Arising Out of PS. Case No.-251 Year-2020 Thana- DARAUNDA District- Siwan

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ARUN YADAV Son of Madan Yadav Resident of Village - Mardanpur, P.S.-
Daraunda, District – Siwan. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Harish Kumar

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

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 12-04-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for bail in connection with
Daraunda P.S. Case no. 251 of 2020 instituted for the offence
under Sections 302, 34 of the Indian Penal Code and Section 27 of
the Arms Act.

As per allegation in the FIR, while the informant and his
brother were sleeping, FIR named accused persons came there and
accused Vijay Kumar started to abuse and when the protest was
made by the informant and his brother, petitioner shot to his
brother on his chest. Villagers took the injured to Sadar Hospital,
Siwan for treatment where he was declared dead.

It is submitted by learned counsel for the petitioner that
petitioner has been falsely implicated in this case due to money
matter. Postmortem report was prepared on 9.9.2020 at 7.10 A.M.
while the FIR was registered at 14.30 hours, which creates doubt



in authenticity of the prosecution story. Petitioner has no criminal and he is languishing in judicial custody since 23.5.2022.

The application for bail is opposed by learned APP for the State and learned counsel for the informant and submitted that there is direct allegation against the petitioner. During investigation, several witnesses have supported the prosecution story. As per postmortem report, deceased died due to gunshot injury.

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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