

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61269 of 2023

Arising Out of PS. Case No.-446 Year-2020 Thana- DUMRAO District- Buxar

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AMIT YADAV @ AMIT KUMAR YADAV S/o- SURAJ YADAV @
SARJUG YADAV RESIDENT OF VILLAGE- PRATAPSAGAR, PS-
DUMRAON (NAYA BHOJPUR OP) DISTRICT- BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Advocate

Mr. Arvind Kumar Pradhan, Advocate

For the State : Dr. Ajeet Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 15-09-2023 1. Heard learned Senior Counsel for the petitioner,
learned A.P.P. for the State and learned counsel for the informant.
2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 341, 323, 302
and 506 of the Indian Penal Code and Section 27 of the Arms Act.
3. This is the third attempt of the petitioner to seek bail
as earlier his application was rejected by order dated 24.01.2022 in
Cr. Misc. No. 47949 of 2021 and thereafter by order dated
11.01.2023 in Cr. Misc. No. 1465 of 2023.
4. What strikes the Court is that the informant is the son
of the deceased and he has specifically alleged against four
accused persons of firing at his father killing him. As far as this
petitioner is concerned, he is alleged to have fired after Birbal
Yadav causing injury near the eyelid of the father of the informant.



What is not disputed rather stands admitted is that the father of the informant is no more but then the dispute is with regard to the assailants i.e. whether the petitioner and others fired killing the deceased or not.

5. Prima facie, the Court is of the view that since there is specific allegation against four persons of firing which also gets corroborated by the postmortem report of the deceased, as such, there is absolutely no occasion for this Court to reconsider the prayer for bail of the petitioner in his third attempt.

6. Learned Senior Counsel for the petitioner submits that Birbal Yadav and Manish Yadav have been granted the privilege of regular bail by order dated 24.06.2023 in Cr. Misc. No. 10341 of 2023 (Birbal Yadav Vs. The State of Bihar) and order dated 27.06.2023 in Cr. Misc. No. 15230 of 2023 (Manish Yadav Vs. The State of Bihar) respectively. It is thus submitted that when persons similarly situated like the petitioner have been granted the privilege of regular bail why the petitioner be discriminated.

7. This submission of the learned Senior Counsel, no doubt, has force but then from perusal of the order dated 24.06.2023 and 27.06.2023, it would manifest that the rejection of bail of the present petitioner by order dated 24.01.2022 and 11.01.2023 was not brought to the notice of the learned Coordinate



Bench of this Court. Further the consideration for grant of bail to Birbal Yadav was that the police had submitted final form when his bail application was taken up but then the case of the petitioner differs as police has not submitted final form in favour of the petitioner. It is next submitted that though the police submitted final form in favour of Birbal Yadav and Manish Yadav but the Court differing with the police report has already taken cognizance.

8. Learned counsel for the informant vehemently opposes the prayer for regular bail of the petitioner and submits that no son would want to implicate someone falsely knowing that he is not the assailant of his father, which strikes the Court.

9. Considering the submission, the prayer for bail is rejected in connection with Dumraon (Naya Bhojpur O.P.) P.S. Case No. 446 of 2020 pending in the Court of learned Chief Judicial Magistrate, Buxar/successor Court.

10. Hence, prayer of the petitioner for bail is rejected.

(Satyavrat Verma, J)

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