

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60840 of 2022**

Arising Out of PS. Case No.-77 Year-2022 Thana- KISHUNPUR District- Supaul

SUBHASH YADAV @ SUBHASH KUMAR SUMAN SON OF SHASHI
SHEKHAR PRASAD YADAV @ SHASHI SHEKHAR @ SURAT LAL
YADAV R/O VILLAGE- RATANPURA, P.S.- KISHANPUR, DISTRICT-
SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.Md. Ataur Rahman

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

4 11-04-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for bail in a case instituted
for the offence under Section 307, 302,120(B),34 of the Indian
Penal Code and Section 27 of the Arms Act.

As per allegation in the FIR, while the informant's son
was sleeping in his house, 5-6 accused persons including the
petitioner entered into his house and petitioner opened fire
which hit to Chandan Kumar on his chin and he succumbed to
gun shot injury. It is further alleged that petitioner also fired
upon his second son but the same could not hit him. On hulla
being raised, all accused persons fled away.

It is submitted by learned counsel for the petitioner



that petitioner has been falsely implicated in this case due to previous enmity. Though the petitioner is named in the FIR but during investigation this fact came into light that co-accused Ranjeet Kumar shot fire and he confessed his guilt in his self confessional statement. Petitioner is languishing in judicial custody since 22.7.2022.

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 of firing against the petitioner in the FIR as a result of which deceased Chandan Kumar succumbed to injuries. The informant in his restatement has supported the prosecution case. Postmortem report also shows cause of death due to fire arm injuries.

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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