

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65914 of 2023

Arising Out of PS. Case No.-68 Year-2018 Thana- PAHARPUR District- East Champaran

MUNNA YADAV son of Kishun Dev Yadav village- Majhariya Ps- Malahi
Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate
For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 18-10-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Sessions Trial no.681 of 2023 (arising out of Paharpur P.S. Case no. 68 of 2018 registered under sections 307, 147, 148, 149 and 302 of the Indian Penal Code and sections 25(1-B)(a), 26, 27 and 35 of the Arms Act.

3. As per the prosecution case, the informant states that the ten named accused persons including the petitioner herein along with 2-3 unknown accused persons came variously armed and started to plough the land of the informant. On the informant asking them not to plough the land, it is stated that on the orders of co-accused Kishun Dev Yadav, the petitioner fired from his rifle hitting Devendra Yadav on his nose as a result of



which he fell down and died. Sonu Yadav and Rupesh Yadav are also said to have resorted to indiscriminate firing as a result of which several persons were injured. The local police reached the place of occurrence and took the tractor in their possession.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. Although the allegation on the petitioner is of having fired on the nose of Devendra Yadav, it would only be from the postmortem report which would confirm the said allegation. Several accused persons against whom also the allegation of firing is there have been enlarged on bail. The false implication of the petitioner is because of land dispute between the parties. The petitioner is in custody since 9.1.2023, investigation in the case has concluded and charge-sheet has been submitted.

5. The prayer for bail is opposed by learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the contents of the F.I.R, it transpires that the allegation against this petitioner is of having fired on Devendra Yadav as a result of which he died. From the contents of the order of the learned trial Court, it transpires that the material which has come in course of investigation including the



inquest report in paragraph no.4 as also the evidence of witnesses in paragraph nos.25, 60, 61, 81, 82 and 83 support the prosecution case against the petitioner.

7. In view of the facts of the case together with the direct allegation against this petitioner of being the assailant of the deceased Devendra Yadav, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

8. Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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