

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61766 of 2022

Arising Out of PS. Case No.-101 Year-2020 Thana- CHAUSA District- Madhepura

Kare Yadav @ Vyas Kumar Yadav Son Of Laddu Yadav @ Karsur Yadav
R/V- Fulaut East, P.S- Chausa, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 13-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks regular bail in connection with Chausa
P.S. Case No. 101 of 2020 registered for the offences punishable
under Sections 147, 148, 149, 341,342, 323, 324, 307, 504 and
506 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution, the informant alleged that this
petitioner opened fire at the informant's brother and also several
other co-accused persons assaulted the informant and his brother
by fists and slap over a land dispute.

The main submissions advanced by petitioner's learned
counsel are that the petitioner has been languishing in jail since
08.07.2022 and three co-accused persons namely, Vinod Yadav,



Abhay Yadav and Nirbhay Yadav have been granted anticipatory bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 3642 of 2021 and the petitioner has been falsely roped in this case due to land dispute running in between the petitioner and the informant and thirteen persons were named in the FIR but in actual the petitioner was only member of the alleged mob.

Learned APP appearing for the State has opposed the prayer for bail.

Heard both the sides and perused the FIR and the case diary of this case. In the FIR, there is a specific allegation of firing against the petitioner and he allegedly fired at informant's brother who sustained grievous injury as per the order impugned and the allegation concerned to the petitioner has been supported by the victim himself during the investigation whose statement is at paragraph No. 26 of the case diary. Considering all these facts, in my opinion it is not a fit case for bail to the petitioner, accordingly, his prayer for bail stands rejected.

The petitioner may renew his prayer for bail after examination of the injured person named in the FIR in the trial of the petitioner if the charges have been framed upon the petitioner. The petitioner will also have a liberty to renew his



bail prayer after six months, if during the said period the injured person is not examined as a prosecution witness or no significant progress is made in his trial.

(Shailendra Singh, J.)

maynaz/-

U		T	
---	--	---	--

