

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60192 of 2022

Arising Out of PS. Case No.-206 Year-2018 Thana- KHAGARIA District- Khagaria

ANUJ YADAV S/o Rajendra Yadav R/v- Barkhandi Tola, P.S.- Muffasil,
District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Viveka Nandsingh, Advocate
For the State	:	Mr.Uma Shankar Prasad Singh, APP
For the informant	:	Mr. Chandan Kumar Kashyap, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-01-2023 Heard the learned counsel for the petitioner and the learned APP for the State as also learned counsel for the informant.

The petitioner seeks regular bail in connection with Khagaria (Muffasil) P.S. Case No.206 of 2018, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 302 & 448 of the of the Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution, in brief, is that on 04.04.2018 at about 5 pm, the petitioner and other co-accused persons had arrived at the house of the informant, snatched ornaments and



had taken away the mare and had also asked the informant to pay a sum of Rs.2 lakh for release of the mare. For the aforesaid incident, an FIR against the accused persons had been lodged by the mother of the informant on 06.04.2018. Again, on 07.04.2018, at about 6 am, while the brother of the petitioner was returning after attending the call of nature, the petitioner and other co-accused persons armed with rifle surrounded the brother of the informant and as far as the petitioner is concerned, he had fired with a rifle on the right eye of the brother of the informant resulting in his instantaneous death on the spot, whereafter other accused persons had also engaged in overtact.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 12.05.2022. The learned counsel for the petitioner has further submitted that the present case arises out of case and counter case and as far as the



petitioner's side is concerned, one person has also died, hence, the incident in question has arisen on account of pre-existing dispute.

Per contra, the learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials on record, this Court finds that the petitioner is the main assailant, who had fired gun shot on the brother of the informant resulting in his instantaneous death, hence, the complicity of the petitioner in the alleged occurrence is writ large, thus, I do not find any merit in the present petition.

Accordingly, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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