

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62649 of 2022

Arising Out of PS. Case No.-245 Year-2021 Thana- MANIHARI District- Katihar

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Madan Yadav @ Madan Kumar S/O Late Ramesh Yadav @ Ramesh Prasad
Yadav Resident Of Village- Ajampur Gola, P.S.- Manihari, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand

For the Opposite Party/s : Mr. Kalyan Shankar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 24-01-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with

Manihari P.S. Case No. 245 of 2021, registered for the

offences punishable under Sections 147, 148, 149, 447,

324, 504, 120(B) and 506 of the Indian Penal Code and

Section 27 of the Arms Act.

The prosecution case as emerges from the FIR is

that on 08.12.2021 when informant was at his field along

with his cousin and nephew, the accused persons including

this petitioner came there and thereafter accused-petitioner,

namely, Madan Yadav fired upon informant's brother,



namely, Sanjay Yadav, who died on spot due to gun shot injury.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on account previous enmity. He also submits that investigation in this case is complete and charge-sheet has already been submitted. He further submits that there is no eye witnesses of the alleged occurrence and none of the prosecution witnesses have supported the version of the informant.

He further submits that the petitioner has been languishing in jail since 06.05.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in four other cases though he is on bail.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail submitting that it



is this accused who has allegedly shot the deceased dead by fire arm injury.

Considering the aforesaid facts and circumstances, particularly direct allegation of causing death by firm arm injury to the victim, I am not persuaded to enlarge the petitioner on bail.

The application is accordingly dismissed.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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