

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63715 of 2022

Arising Out of PS. Case No.-56 Year-2021 Thana- SANHAULA District- Bhagalpur

VIBHAS YADAV @ RAYBHAL YADAV @ RAIFUL YADAV S/o Late
Wakil Yadav R/o Village- Tarar, P.S.- Sanhaula, Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate
For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 04-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
15.05.2022 in connection with Sanhaulla P.S. Case No. 56 of
2021, F.I.R. dated 03.06.2021 registered for the offences
punishable under Sections 341, 447, 307 of the Indian Penal
Code and Section 27 of the Arms Act.

Allegation against the petitioner is that in the night of
02.06.2021 at about 08:00 P.M. some altercation took place
between the informant and the petitioner, who happens to be
own brothers and in course thereof the petitioner opened fire on
the informant and the bullet hit in the right side of his stomach



and thereafter he was brought to Mayaganj Hospital, Bhagalpur.

Learned counsel for the petitioner submits that the petitioner is innocent and due to land dispute he has been falsely implicated in the present case on the basis of suspicion. He further submits that there was no intention to kill the informant rather the accidentally firing has been made and hence no case is made out under Section 307 of the Indian Penal Code. Learned counsel for the petitioner fairly submits that the trial is going on and out of eight chargesheeted witnesses, four witnesses have already been examined and the informant has not identified the petitioner and in his examination he has stated that due to land dispute the petitioner has been implicated in the present case.

Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the aforesaid facts that the trial is going on and out of eight chargesheeted witnesses, four witnesses have already been examined, I am not inclined to enlarge the petitioner on bail in connection with Sanhaulla P.S. Case No. 56 of 2021 pending in the Court of learned A.C.J.M. XI, Bhagalpur.

Prayer is refused.



However, the learned Trial court is directed to expedite the trial and conclude the same at the earliest.

(Rajesh Kumar Verma, J)

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