

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74269 of 2022

Arising Out of PS. Case No.-317 Year-2021 Thana- KASIMBAZAR District- Munger

SAWAN YADAV S/o Suryadeo Yadav @ Surajdev Yadav R/v- Navtoli
Bindwara, P.S.- Kasim Bazar, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Manoj Kumar Jha
For the Opposite Party/s	:	Mr.Zainul Abedin

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 28-04-2023 I have heard the learned Senior counsel for the petitioner as well as the learned counsel for the informant and also heard the learned Additional Public Prosecutor for the State.

The petitioner is seeking regular bail in connection with Kasim Bazar P.S. Case No. 317 of 2021, registered for the offences punishable under Sections 341, 323, 504, 307, 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The informant of this case is one Amajeet Kumar. He has stated in his *fardbeyan* that in the night of 17.11.2021 at about 9-10 P.M., he along with his brother Rajeev Yadav (deceased), were returning after attending feast of *Tilak* ceremony of son of Radhe Yadav. On the way, four accused



persons, named in the FIR including the petitioner, stopped them. They started assaulting the informant and his brother. Thereafter, co-accused Nirala Yadav asked co-accused Rishav Kumar and Saurav Kumar (the petitioner) to kill the deceased, whereupon, co-accused Rishav Kumar and the petitioner fired shot at Rajeev Yadav, who died in course of treatment.

The learned Senior Counsel Sri N.K. Agrawal, for the petitioner has submitted that, for the same day occurrence, the defense side also lodged a case, which is annexure-3. By drawing my attention towards the formal FIR of counter case (Kasim Bazar P.S. Case No. 326 of 2021), the learned counsel has submitted that the information about the counter occurrence was given on 17.11.2021 and thereafter, the injured persons of counter case were shifted to Patna for their treatment and it was the reason that *fardbeyan* in that case was recorded on 25.11.2021. He has submitted further that both the parties have suffered fire-arm injuries. A number of members of petitioner's side have also suffered fire-arm injuries. He has also submitted that, as a matter of fact, deceased Rajeev Yadav exhorted co-accused Jitendra Yadav @ Jitu Yadav (accused in Kasim Bazar P.S. Case No. 326 of 2021) to kill the petitioner Sawan Yadav, whereupon, Jitendra Yadav fired shot at Sawan Yadav



(petitioner), but the target missed and it hit Rajeev Yadav himself, who became injured and died during course of treatment. He has next submitted that Rana Yadav (Kasim Bazar P.S. Case No. 326 of 2021) fired shot, which hit the petitioner and he became injured. In the counter case, the witnesses have stated the same fact. The defense side has already lodged four case against the prosecution side. He has also submitted that the deceased Rajeev Yadav had two criminal antecedents.

On the other hand, the learned APP for the State and the learned counsel for the informant have opposed the prayer for bail and submitted that there is specific allegation on the petitioner that he killed the deceased by firing shot on his person. For the defense sake, a false story has been created that the fire shot made by the prosecution side missed and it hit the deceased. He has submitted further that the petitioner is a notorious criminal and he has six criminal cases against his account.

In my view, the petitioner does not deserve the privileges for bail, which is hereby rejected.

(Nawneet Kumar Pandey, J)

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