

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63456 of 2022

Arising Out of PS. Case No.-528 Year-2021 Thana- KHAGARIA District- Khagaria

Pandav Yadav Son Of Late Bharat Yadav R/V- Barkhandi Tola, Mathar, Ward
No. 15, P.S- Muffasil, Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-02-2023 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner seeks regular bail in connection with Khagaria
(Mufassil) P.S. Case No. 528 of 2021, registered for the offences
punishable under Sections 341, 323, 307, 447 and 379/34 of the
Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution, the informant alleged that this
petitioner opened indiscriminate firing on the informant's husband,
meanwhile other co-accused persons assaulted the informant and
her family members.

The main submissions advanced by learned counsel Mr.
Viveka Nandsingh, appearing for the petitioner are that as per the
FIR, date of occurrence is 04.07.2021 but the FIR was lodged on
07.07.2021 after delay of three days and just after commission of



the alleged occurrence any family member of the victim did not make any attempt to lodge the FIR, as per the allegation of the FIR petitioner fired indiscriminately but as per the statement of one material witness namely, Ram Vilas Yadav (victim) the petitioner fired only one shot and accordingly there is a serious contradiction between the facts of the FIR and the statement of witnesses recorded during the investigation. Further submission is that as per the FIR there was no reason for the petitioner to fire indiscriminately and on his part any intention to kill the victim also does not appear and the injury report of the husband of the informant was issued by a private doctor so reliance cannot be placed upon it and the petitioner has been languishing in jail since 17.07.2022.

Learned APP Mr. Uday Pratap Singh, appearing for the State has opposed the prayer for bail.

Considering the seriousness of the occurrence which relates to attempt to murder and the petitioner allegedly fired at informant's husband which hit at his stomach, in the opinion of this Court the petitioner does not deserve to the privilege of bail at this stage. Accordingly, petitioner's prayer for bail stands rejected.

(Shailendra Singh, J.)

maynaz/-

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

