

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68071 of 2023

Arising Out of PS. Case No.-45 Year-2023 Thana- LODIPUR District- Bhagalpur

Laxman Yadav, Son Of Saryug Yadav Vill-Bishunpur Jichho P.S.-Lodipur
Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Kumar Jain, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Lodipur P.S. Case No. 45 of 2023, lodged on 06.03.2023 under Sections 341, 323, 307, 504, 506 & 34 of the Indian Penal Code, under section 27 of Arms Act and added section 302 I.P.C. and 25 (1-B)(A), 26, 35 & 37 of Arms Act.

3. As per the prosecution case, the FIR has been lodged against 2 named accused persons including the present petitioner and from the FIR, specific allegation has been made against the present petitioner that he shot on the chest of the informant's husband due to which he fell down and subsequently, sent Bhagalpur for treatment, and subsequently, section 302 I.P.C. has been added.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He also submits that there is a land dispute going on between the informant and the petitioners' side. He further submits that the death has been caused after about 9 days of the said occurrence in the hospital. He further submits that the petitioner is in custody since 15.03.2023 and there is one criminal case pending against him in which he is on bail.

5. Learned counsel for the petitioner also submits that the other co-accused Govind Yadav has been granted bail by the co-ordinate bench of this Court vide order dated 05.09.2023 passed in Cr. Misc. No. 57820 of 2023.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that there is a direct allegation against the petitioner that he fired. He also submits that the said co-accused Govind Yadav was the order giver and due to the injury caused by the gun shot of the petitioner, the death of the informant's husband occurred.

6. In the present facts and circumstances, that there is a direct allegation against the petitioner fired, and subsequently, resulted into death as well as the co-accused Govind Yadav is the order giver only and there are only two accused. So, from



the above observations, this Court is not inclined to grant regular bail to the petitioner.

7. Accordingly, the prayer for regular bail of the petitioner in connection with Lodipur P.S. Case No. 45 of 2023, pending before the learned J.M. 1st Class, Bhagalpur is hereby rejected.

8. However, the petitioner shall move for regular bail after framing of charge when the Trial Court shall release him on bail imposing its own conditions so that he may not evade his appearance during trial.

9. With this observation, the bail application stands disposed of.

(Dr. Anshuman, J.)

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