

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69896 of 2023

Arising Out of PS. Case No.-81 Year-2023 Thana- GOGRI District- Khagaria

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Amar Yadav Son Of Shri Muso Yadav R/O Vill- Shishwa, Ps- Gogri, Dist-
Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh

For the Opposite Party/s : Mr.Mohammad Sufyan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 15-12-2023 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

The petitioner has prayed for bail in connection with
Gogri P.S. case No. 81 of 2023 instituted for the offence under
Sections 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

It is a case of opening fire by the petitioner along with
other accused persons upon the person of the informant's husband
namely, Brajesh Yadav due to which he sustained gunshot injury
and died.

Learned counsel for the petitioner submits that the
petitioner is innocent and committed no offence. He has falsely
been implicated in the present case election rivalry. The allegation
against the petitioner is that he opened fire upon the chest of the
deceased but there is no gun shot injury on the chest of the



deceased as per postmortem report. Petitioner is languishing in judicial custody since 25.03.2023.

Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail and submitted that petitioner has several criminal antecedents. According to prosecution case there is specific overt act against this petitioner is that he along with co-accused shot fire upon the deceased due to which he sustained gun shot injuries and thereafter he died. During investigation the witnesses vide para 10 and 37 of the case diary have also supported the prosecution story. Further, the postmortem report of the deceased shows that there are three firearm injuries on his person and doctor opined that the cause of death is Haemorrhage and shock due to injury caused by firearm.

Having heard the learned counsel for the parties and considering the fact that there is direct allegation against this petitioner, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial Court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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