

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73156 of 2022

Arising Out of PS. Case No.-380 Year-2021 Thana- ARA NAGAR District- Bhojpur

Viram Yadav @ Beer Ram Yadav @ Beer Ram Singh Yadav S/O Sita Ram
Yadav R/O Village- Ebrahimpur, P.S- Ara Town, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Advocate
For the Informant/s	:	Mr. Md. Ataul Haque, Advocate
For the State	:	Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-02-2023 Heard learned counsel for the petitioner, learned
counsel for the Informant and learned APP for the State.

Petitioner seeks regular bail in connection with Ara
Nagar P.S. Case No. 380 of 2021 registered for the offences
punishable under Section 302/34 of the Indian Penal Code and
Section 27 of Arms Act.

As per the prosecution, the informant's son was shot
dead by this petitioner and co-accused Chhotu Yadav.

The main submissions advanced by learned counsel Mr.
Anil Kumar, appearing for the petitioner are that the informant
who happens to be the father of the deceased, is not an eye-
witness of the alleged occurrence of murder and during the
investigation not a single witness claimed to have seen the



alleged occurrence and the informant revealed the name of this petitioner on the basis of mere suspicion and he did not reveal the source by which he got the information about the petitioner, being one of the assailants and two co-accused persons namely, Jata Yadav and Dhanlal Yadav have been granted bail by different Benches of this Court vide orders passed in Cr. Misc. Nos.26963 of 2022 and 45585 of 2021 respectively. Further submission is that the informant has compromised this case and the petitioner has been languishing in jail since 16.10.2022.

Learned APP Mr. Navin Kumar Pandey, appearing for the State as well as learned counsel Mr. Md. Ataul Haque, appearing for the informant has vehemently opposed the prayer for bail and submitted that the petitioner is the main assailant and similarly situated co-accused namely, Chhotu Yadav who is also stated to be the main assailant, has been denied the regular bail by a co-ordinate Bench of this Court vide order dated 04.01.2023 passed in Cr. Misc. No. 12106 of 2022.

Having considered the seriousness of the occurrence which relates to murder and petitioner is stated to be one of the main assailants and as per the FIR the informant's son died at the spot on account of sustaining firearm injury caused by this petitioner and co-accused Chhotu Yadav, in the opinion of this



Court the petitioner does not deserve to the privilege of bail.
Accordingly, his prayer for bail stands rejected.

(Shailendra Singh, J.)

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