

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9992 of 2024

Arising Out of PS. Case No.-15 Year-2023 Thana- KORMA District- Sheikhpura

1. Sakal Deo Yadav S/O- Ram Rup Yadav
2. Ranjan Yadav @ Aniket Kumar S/O- Pasupati Yadav
3. Ravish Kumar S/O- Late Ram Pravesh Yadav
All R/o- Village- Puraina, P.S.- Korma, Dist.- Sheikhpura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar, Advocate
For the State	:	Ms. Dr. Indihar Kumari, APP
For the Informant	:	Mr. S. Rizwan-ul-Haque, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 20-09-2024 Heard Mr. Pankaj Kumar, learned Advocate for the petitioners and the learned APP for the State. The informant appears through Mr. S. Rizwan-ul-Haque.

2. Application for grant of bail to the petitioners who are in custody in connection with S.C. No.37/2024 arising out of Korma P.S. Case No.15 of 2023 registered for the offence punishable under Sections 147, 148, 149, 341, 342, 323, 324, 325, 307, 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

3. Based upon the written report, the prosecution alleges that while the informant along with his brother Adalat



Yadav was returning from his field, in the meantime all the FIR named accused persons surrounded them. On the exhortation made by co-accused Pashupati Yadav the petitioners resorted to indiscriminate firing due to which brother of the informant has sustained bullet injuries and fell down. It is further alleged that thereafter co-accused Ravish Kumar fired upon the informant which caused firearm injury on his chest. Co-accused Pankaj Kumar also fired upon informant's head.

4. Learned Advocate for the petitioners submits that there is a case and counter case between the parties and the petitioner's side also lodged a case bearing Korma P.S. Case No.16 of 2023. In the aforesaid case it has been specifically alleged that petitioner No.3 was brutally assaulted by the persons of the informant side. Despite the aforesaid facts the prosecution has failed to explain the injuries sustained to the persons of the petitioner's side. It is next contended that there is allegation of firing upon three accused persons but the *post mortem* report suggests only two injuries. Drawing the attention of this Court to some of the Paragraphs of Case Diary, especially Paragraph Nos.10, 13 and 14, learned Advocate for the petitioners submitted that the wife of the deceased and other witnesses who are claiming themselves to be the eye-witness



had specifically stated that it is Devan Yadav who is the author of the fatal injury. Moreover, the petitioners were present at the place of occurrence with *lathi* and *danda* and no specific allegation of firing have been levelled by the witnesses.

5. On the other hand, learned APP for the State, as well as, informant submits that apart from the criminal antecedents of the petitioners there is a specific allegation of making indiscriminate firing and moreover, the trial is at the fag end and out of seven charge-sheet witnesses only one witness is yet to be examined.

6. Considering the specific nature of accusation and the fact that the trial is at the fag end, this Court is not acceded to the prayer of the petitioners for grant of bail and accordingly, the prayer of the petitioners stands rejected. It is expected that the trial court shall take all endeavours to conclude the trial expeditiously. In case the trial is not concluded within a period of two months, the petitioners shall be at liberty to move before this Court.

(Harish Kumar, J)

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