

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11094 of 2024

Arising Out of PS. Case No.-467 Year-2020 Thana- KHAIRA District- Jamui

D.P. Yadav @ Devendra Prasad Yadav Son of Late Sukhdeo Yadav R/o vill -
Darima Khaira, P.S. - Khaira, Distt. - Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Khaira P.S. Case No. 467 of 2020, lodged on 02.11.2020 under
Sections 147, 148, 149, 323, 376, 511, 379, 302, 120(B) of the
Indian Penal Code read with section 27 of the Arms Act.

3. As per the prosecution case, the FIR has been
lodged against seven named accused persons including the
present petitioner and 20-25 unknown persons. In the FIR, it has
been specifically alleged that the present petitioner entered into
the house of the informant and all the accused persons
surrounded the daughter of the informant and subsequently, tried
to outrage her modesty. When the son of the informant came to
save her, then the petitioner fired by pistol on the left side of his



chest and other co-accused person namely British Yadav has fired in the mouth of the son of the informant, due to which he died on the spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that due to the reason that according to him, the post-mortem injury does not support the injury caused as alleged in the FIR. Counsel further submits that co-accused namely British Yadav has been granted bail by the co-ordinate bench of this Court *vide* order dated 25.04.2022 passed in Cr. Misc. No. 46769 of 2021. Counsel also submits that the antecedent of the petitioner is not clean and there are 11 criminal cases pending against him in which in two cases, he is acquitted and in remaining nine cases, he is on bail. The petitioner is in custody since 12.07.2023 in the present case.

5. Learned APP for the State vehemently opposes the prayer for bail of the petitioner and submits that from the FIR, the allegation of two injuries are there on the body of the deceased and from the post-mortem also, there are two injuries found and the cause of death is also shown due to blood loss caused by fire arm injury.

6. In the present facts and circumstances, 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 Khaira P.S. Case No. 467 of 2020, pending before the learned Chief Judicial Magistrate, Jamui is **hereby rejected.**

(Dr. Anshuman, J.)

Divyansh/-

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

