

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2184 of 2024

Arising Out of PS. Case No.-75 Year-2023 Thana- GAUTAMBUDHNAGAR District- Siwan

Dinesh Yadav @ Dinesh Kumar Yadav, aged about 35 years, Gender-Male,
Son of Late Ganesh Yadav, Resident of Village- Banzariya, P.S.- Siwan
(Mufasil), District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhu Prasad Yadav, Advocate
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 20-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
G.B. Nagar PS Case No. 75 of 2023 instituted for the offences
punishable under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

3. As per the prosecution case, there was dispute
between the informant and accused persons over fishing due to
which the son of the informant died.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has committed no offence and has
falsely been implicated in this case due to dirty village politics
and neighbor rivalry. Petitioner has got no criminal antecedent
as stated in para 3 of the petition. The prosecution story is



totally false and concocted. The petitioner is a driver and only an earning member of the family and all his family members are dependent upon him. Petitioner is in custody since 22.05.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Sessions Judge, Siwan dated 25.08.2023, it appears that though, there is no criminal antecedent against the petitioner mentioned in the impugned order, but the FIR reveals that the deceased's father (informant) is an eye witness of the incident and the petitioner with another co-accused brought the deceased with them and within half an hour, he was murdered. Meanwhile, the brother of the deceased and other witnesses have also seen the petitioner and other co-accused with the deceased and they have also been seen running away from the place of occurrence by the informant and his family members. Chargesheet has already been submitted in this case under Sections 302/34 of the IPC and Section 27 of the Arms Act. All the witnesses have supported the prosecution story. From perusal of the impugned order, it also appears that the doctor in post-mortem report found the cause of death due to haemorrhage, shock and firearm.



7. Considering the facts and circumstances of the case, nature of offence and the specific allegation against the petitioner, I am not inclined to grant bail to the petitioner.

8. Prayer for regular bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

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