

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31441 of 2024

Arising Out of PS. Case No.-740 Year-2023 Thana- SAHARSA SADAR District- Saharsa

Awdhesh Kumar @ Awdhesh Kumar Yadav, Son of Kameshwar Yadav,
Resident of Village Dibari, PS -Sadar (Sonbarsa Kachahary OP) District-
Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 26-07-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Saharsa Sadar P.S. Case no. 740 of 2023 (Sessions Trial no.65 of 2024) registered under sections 307 and 504 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant states that the petitioner fired upon him with a pistol as a result of which the informant sustained firearm injury in his chest. He is being treated upon.

4. Learned counsel for the petitioner submits that the informant subsequently died and section 302 of the Indian Penal Code was added. The petitioner has been falsely implicated in the case as there is no firearm injury on the body of the



deceased. The manner of occurrence is other than what has been narrated in the F.I.R. Referring to the postmortem report (Annexure-3) it is submitted that no firearm injury has been found in the postmortem examination. The cause of false implication of the petitioner is his political rivalry as the petitioner was a candidate of *mukhiya*. The petitioner is in custody since 21.11.2023.

5. The prayer for bail is opposed by learned A.P.P for the State.

6. Having heard learned counsel for the parties and having perused the material on record, it transpires that the petitioner has been named in the F.I.R as the sole/main assailant. As a result of firing by the petitioner with a pistol, the informant states that he sustained firearm injury in his chest. The allegations are substantiated from the inquest report. The informant was taken to the clinic of one Dr. Ajay Kumar Singh, where he died in course of treatment on 19.10.2023 at 9 A.M. The postmortem report talks about stitched wound with surgical dressing having been found over the upper abdomen.

7. In view of the direct allegation against the petitioner of having fired upon the informant (deceased) and the petitioner being the sole assailant, the Court is not inclined to



enlarge the petitioner on bail and the application is rejected.

8. Charge having been framed in the learned trial Court, the learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

avinash/-

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

