

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32678 of 2024

Arising Out of PS. Case No.-185 Year-2020 Thana- MOKAMAH District- Patna

Laxman Yadav Son of Late Sagar Yadav Resident of Village- Kanhaipur
Gahil Asthan, P.S- Mokama, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjana, Advocate .

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 03-05-2024 1. Heard learned counsel appearing on behalf
- of the petitioner and learned counsel appearing on behalf
- of the State.
2. The petitioner seeks bail in connection with
- Sessions Trial No. 1050 of 2023 arising out of Mokama
- P.S. Case No. 185 of 2020 registered for the offence
- under Sections 147, 148, 149, 302, 34 of the Indian
- Penal Code and 27 of Arms Act.
- 3.The accused/petitioner is named in the F.I.R.
- and is in custody since 10.05.2023.
4. The allegation against the petitioner is to
- commit murder of son of informant by means of causing



firearm injuries.

5. Learned counsel appearing on behalf of the petitioner submitted that as per the narration of FIR, every allegation as to cause firearm injury was given by informant from where it appears that deceased received altogether six bullet injuries on different parts of his body, where petitioner was alleged to cause fire-arm injury upon the chest of deceased. It is submitted that upon postmortem, only two firearm injuries were found upon deceased instead of six, as alleged by informant, claiming to be an eye witness creates a serious doubt on her versions being an eye witness of the occurrence. It is pointed out that after two hours of same very day, the father of petitioner was shot dead by informant side and for that Mokama P.S. Case No. 186 of 2024 was registered. While concluding the argument, it has been submitted that petitioner is the son of deceased of Mokama P.S. Case No. 186 of 2024, he was shown as a prime accused of this case, who is otherwise a man of



clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned counsel appearing on behalf of informant, while opposing the prayer of bail submitted that the allegation against petitioner is specific as to cause firearm injury, which hit on the chest of deceased. It is submitted that one of the learned Co-ordinate Bench of this Court has rejected the prayer of regular bail of co-accused persons, namely, Bindeshwar Yadav, Dipu Yadav and Mukesh Yadav through Cr. Misc. No. 39698 of 2021, Cr. Misc. No. 42578 of 2021 and Cr. Misc. No. 42607 of 2021, respectively against whom specific allegation of firing as per FIR is available. It is further submitted that the trial is under progress and out of total charge-sheeted witnesses, two witnesses have already examined, where the Hon'ble High Court while rejecting the prayer of bail of aforesaid co-accused



directed learned trial court to conclude the trial expeditiously, well within nine months.

7. In view of aforesaid factual submissions, as there is specific allegation against petitioner to cause fatal firearm injury upon chest of deceased, accordingly, prayer of bail of petitioner is rejected, for the present.

8. However, learned trial court is directed to conclude the trial within nine (09) months.

(Chandra Shekhar Jha, J)

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