

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33269 of 2024

Arising Out of PS. Case No.-142 Year-2022 Thana- TARAPUR District- Munger

Sunil Yadav, Son Of Jagdish Yadav, Resident Of Village - Afzalnagar Khuria,
P.S. - Tarapur, District - Munger

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Manoj Kumar Jha, Advocate
For the Opposite Party/s :	Mr.Murli Dhar, APP
For the Informant :	Mr. Surendra Kishore Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-08-2024 Heard Mr. Manoj Kumar Jha, learned Advocate for the petitioner and Mr. Murli Dhar, learned Additional Public Prosecutor for the State. The informant appears through his counsel Mr. Surendra Kishore Thakur, learned Advocate.

2. The petitioner seeks grant of bail in connection with Tarapur P.S. Case No. 142 of 2022 registered for offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act. The aforesaid case gave rise to Sessions Trial No. 25 of 2024 which is pending in the Court of learned Additional Sessions Judge-I, Munger.

3. Based upon the fardbeyan of the informant, the prosecution alleges that while the informant went towards the bridge he saw that the petitioner along with other accused



persons were coming towards the bridge ; as soon as they saw the son of the informant namely, Tuntun Yadav @ Sudhir Yadav the petitioner made exhortation and also took out his pistol from his waist and fired twice upon the son of the informant resulting into his instantaneous death.

4. Learned Advocate for the petitioner contended that in fact the informant is not an eye witness to the alleged occurrence and the F.I.R. clearly suggests that there was long standing enmity. Even if the case of the informant is found to be true she can hardly be a chance witness and her statement cannot be considered legally valid for keeping the petitioner behind the bar. It is next contended that one of the co-accused person namely, Ashok Yadav has been allowed bail by this Court. The petitioner bears fair antecedent and now he has been incarcerated since 16.10.2023.

5. On the other hand, learned Advocate for the informant as well as learned Advocate for the State submitted that there is specific accusation against the petitioner that he caused repeated firing resulting into death of the son of the informant.

6. Regard being had to the submissions made on behalf of the parties and considering the specific nature of



accusation of causing fatal shot to the son of the informant, this court is not exceeded to the prayer of the petitioner.

7. Accordingly, the bail application stands rejected.

(Harish Kumar, J)

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