

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 33232 of 2024

Arising Out of PS. Case No.-36 Year-2020 Thana- GWALPARA District- Madhepura

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Dilkhush Yadav @ Dilkhush Kumar Son of Janeshwar Yadav @ Dinesh Yadav Resident of Village- Bishwari, Ward no 3, P.S.- Gwalapara, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajnish Kumar Singh

For the Opposite Party/s : Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 7 25-10-2024 Heard learned counsel for the petitioner and the State.
2. Petitioner seeks regular bail in a case registered for the offence punishable under sections 302/120B/34 of the Indian Penal Code and section 27 of the Arms Act.
3. As per the prosecution case, on 19/03/2020 at about 04:00 PM informant along with his father Rajendra Kamat had gone to Gwalpara market for buying groceries. In course of returning from Gwalpara market when he and his father reached near Baba Vishu Sthan at Vishahri, petitioner and other accused persons named in the FIR surrounded them. Informant hid in a maize field. Thereafter, petitioner who was armed with rifle fired upon his father. Thereafter, on the instigation of co-accused Janeshwar Yadav, other accused persons also fired upon the father of the informant.
4. Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to political rivalry as petitioner's wife is the present Mukhia of Bishwari Panchayat. Though informant claims himself to be eye witness of the occurrence,



but he was not accompanying his father at the time of alleged occurrence. Moreover, F.I.R. has been lodged after delay of 16 hours without any explanation which renders the entire prosecution case doubtful. He is in custody since 13.12.2023.

5. Learned counsel for the State opposes the prayer for bail. He submits that the petitioner is named in the FIR with specific allegation that he fired first shot on the father of the deceased, as such, he can be said to be one of the assailants of the deceased. Informant, in her re-statement as well as other witnesses, have supported the prosecution case. post mortem report also opines that victim died of hemorrhage and shock caused by firearm injury. That apart, petitioner has six criminal antecedent.

6. Considering the nature and gravity of allegation as well as the criminal antecedent of the petitioner, prayer for bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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