

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39460 of 2024

Arising Out of PS. Case No.-807 Year-2023 Thana- KOTWALI District- Patna

Gajendra Yadav @ Gajendra Kumar S/O Ramashray Yadav Village Damua
Tola, Jogiya Deh, P.S. - Kako, Dist Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gaurav Kumar Verma, Adv.
For the Opposite Party/s : Mr.Shantanu Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 21-11-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Kotwali
P.S. Case No. 807 of 2023 (G.R. No. 1059 of 2024) instituted
for the offences under Sections 302, 120(B) of the Indian Penal
Code and Section 27 of the Arms Act.

3. As per prosecution case, the accusation against the
petitioner is of calling his wife to Meenakshi Hotel, Patna near
the Patna Junction and killing her by shooting.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case
only on the basis of suspicion. The petitioner is the husband of



the deceased. There is no eye-witness to the alleged occurrence and petitioner has falsely been implicated in this case on presumption and suspicion. There is no direct or specific allegation of any overt act against the petitioner rather the same is circumstantial based on suspicion and presumption. There is also no recovery of any incriminating article from the possession of the petitioner. He further submits that for the same transaction, another F.I.R. bearing Kotwali P.S. Case No. 806 of 2023 has been registered against the petitioner for offence under Sections 25(1-b)a/26 of the Arms Act by the police officials. The Investigating Officer after completion of investigation has submitted charge-sheet on 27.01.2024. The petitioner has one criminal antecedent and is languishing in judicial custody since 30.10.2023 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner is named in the F.I.R. and is accused of killing his wife by shooting and the charge levelled against the petitioner is very serious and cognizable and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as



also nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial.

(Rudra Prakash Mishra, J)

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