

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47864 of 2024

Arising Out of PS. Case No.-320 Year-2023 Thana- NAYA RAM NAGAR District- Munger

Lalit Yadav Son of Poshan Yadav R/O Vill./Muhalla- Mangarh, P.S.-
Dharhara, Dist.- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjiv Singh, Adv.
For the Opposite Party/s : Ms.Pushpa Sinha, APP

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

ORAL ORDER

3 28-10-2024 Heard learned counsel for the petitioner and

learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with S.T.

No. 165 of 2024 arising out of Naya Ram Nagar P.S. Case

No. 320 of 2023 instituted for the offences under Sections

302/34 of the Indian Penal Code and Section 27 of the Arms

Act.

3. As per prosecution case, the accusation against

the accused persons including the petitioner is of firing

several bullets upon the Informant's son.

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 due to ulterior motive of the Informant. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. Both the parties are in inimical terms and the land dispute is said to be the motive behind the occurrence. He further submits that the postmortem report does not corroborate the version of the Informant. He again submits that as per F.I.R., all named accused persons have killed the deceased but, the doctor has found one two fire-arm injuries on the person of the deceased which creates doubt in the prosecution case. There is also no direct or specific allegation of firing against the petitioner and, except suspicion, there is no material against the petitioner to connect him with the alleged occurrence. The petitioner has four criminal antecedents and is languishing in judicial custody since 16.12.2023 without any rhymes or reason. The police, after completion of investigation, has submitted charge-sheet against the petitioner under Sections 302/34 of the I.P.C. and Section 27 of the Arms Act.



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 allegation made against the petitioner is serious in nature. The postmortem report supports the prosecution case. The petitioner is named in the F.I.R. and there is specific allegation against him of being involved in the commission of murder of the deceased.

6. Considering the above facts and circumstances of the case as also taking into account the gravity and nature of the offence, this Court is not inclined to grant bail to the petitioner.

9. 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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