

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47944 of 2024

Arising Out of PS. Case No.-829 Year-2023 Thana- FATUA District- Patna

Ajay Kumar Son of Late Vimal Yadav Resident of Village - Baruna, Bhikhua,
P.S. - Fatuha, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

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

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

ORAL ORDER

4 18-09-2024 Heard learned counsel for the petitioner, learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with Fatuha
P.S. Case No. 829 of 2023 instituted for the offences under
Sections 341, 307, 506, 34 of the Indian Penal Code and Section
27 of the Arms Act in which charge-sheet has been submitted
under Sections 341, 302, 307, 34 of the Indian Penal Code and
Section 27 of the Arms Act.

3. Prosecution case, in short, is that this petitioner
along with other co-accused persons fired upon the informant's
son as a result of which he sustained injuries and, later on, died.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.



Learned counsel further submitted that informant had lodged the present case against the petitioner and other co-accused only on the basis of suspicion. Learned counsel for the petitioner submits that general and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. Learned counsel further submitted that there is a delay of two days in lodging the FIR without plausible explanation, which in itself, raises doubt over the prosecution story. Learned counsel further submitted that after investigation, police submitted charge-sheet under Section 341, 302, 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act. It has been submitted on behalf of the petitioner that the petitioner is in custody since 16.01.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submitted that one of the witnesses has specifically stated in his statement that this petitioner took out the pistol from his waist and fired upon the informant's son. Learned counsel, therefore, urges that the petitioner does not deserve the privilege of bail.

6. Having gone through the rival submissions made on behalf of the parties and material available on record, since



one of the witnesses has supported the case of the prosecution,
this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for grant of bail of the
petitioner is, hereby, rejected.

8. Learned trial Court is directed to expedite the trial.

9. However, if the trial is not concluded within a
period of six months from today, liberty is granted to the
petitioner to renew his prayer for grant of bail before the trial
Court and learned trial Court shall consider the same on its own
merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

Alok Verma/-

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