

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55148 of 2024

Arising Out of PS. Case No.-14 Year-2024 Thana- ASARGANJ District- Munger

Kanhaiya Yadav @ Kailu Yadav Son Of Suresh Yadav Village- Sajuva, Ps-
Asarganj, Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suresh Prasad Sah @ Baranwal, Adv.
For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

4 22-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case instituted
for the offence under Sections 147, 148, 149, 341, 323, 447, 307 of
the Indian Penal Code and Section 27 of the Arms Act, in
connection with Asarganj P.S. Case No. 14 of 2024.

3. The case of the informant is that when he came to his
house in the evening around 7:00 PM, the FIR named accused
persons including the petitioner came to his house and badly
assaulted his brother with lathi and danda. It is further alleged that
when the informant went to pacify the quarrel, the co-accused
Suresh Yadav ordered the petitioner to shoot upon which the
petitioner fired upon the informant due to which he sustained
injury in his leg, thereafter, he was taken to Sadar Hospital,



Munger from where he was referred to Bhagalpur. It is next alleged that the accused persons again entered the house of the informant and physically assaulted his younger brother due to which he sustained injury.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. He submitted that the petitioner is not the main assailant. The Petitioner is in custody since 07.02.2024.

5. Learned APP for the State has opposed the application for bail and submitted that petitioner is named in the FIR and there is allegation of firing on the petitioner to fire at the informant. From perusal of the impugned order, it appears that the injury report is in consonance with the prosecution case. The petitioner has two criminal antecedents out of which one case is of Excise Act. During investigation several witnesses have also supported the prosecution case.

6. During investigation, it has been detected in supervision note that the petitioner and his family members are involved in the business of illicit liquor and the informant usually opposes the same, this is the reason behind the alleged occurrence.

7. Having heard the learned counsel for the parties as well as **the seriousness of the case**, this Court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail



stands **rejected**.

8. A supplementary affidavit has been filed on behalf of
the petitioner, let it be kept on record.

(Nawneet Kumar Pandey, J)

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