

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55962 of 2024

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

Vikki Yadav S/O Chhatri Yadav R/O Village- Janipur Singhiya, P.S- Naya
Ramnagar, Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha, Adv.

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

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

ORAL ORDER

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

learned A.P.P. for the State. Perused the case diary called

for in Cr. Misc. No. 47864 of 2024.

2. The petitioner apprehends his arrest in

connection with Naya Ramnagar P.S. Case No. 320 of 2023

registered for the offences punishable under Section 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 admitted land dispute. From the F.I.R. itself, it appears that the land dispute was going on between the parties for a piece of *Gair Majarua* land which the Informant claims. There is a case and counter case between the parties. The another case being Naya Ramnagar P.S. Case No. 321 of 2023 was filed by the wife of the co-accused Suraj Yadav, who was shot fired by the prosecution party. There is no specific or direct allegation of firing against the petitioner rather the same is general and omnibus in nature. 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. The petitioner has two criminal antecedents and in both of them, he is on bail.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory 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. The Informant has supported the case in his re-statement. Several witnesses have also supported the prosecution case. 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.

6. Considering the aforesaid facts and circumstances of the case as also taking into account the seriousness of the offence, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail of the petitioner, above named, is rejected.

(Rudra Prakash Mishra, J)

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