

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59047 of 2024

Arising Out of PS. Case No.-81 Year-2023 Thana- GOGRI District- Khagaria

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Amar Yadav Son of Late Muso Yadav R/o Village- Shishwa, P.S.- Gogri,
District- Khagaria

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Adv.
For the Informant	:	Mr. Aditya Prakash Sahay, adv.
		Mr. Harsh Singh, Adv.
		Mr. Piyush Tiwari, Adv.
		Ms. Ankita Kumari, Adv.
For the Opposite Party/s :		Mr.Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 18-10-2024 Heard learned counsel for the petitioner and learned
counsel for the Informant as well as learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Gogri P.S. Case No. 81 of 2023 corresponding to Sessions Trial No. 401 of 2023 registered for the offences punishable under sections 302 read with section 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the petitioner and the co-accused persons along with unknown miscreants holding weapons were standing. When the informant and her husband and children reached the house of Padarath Yadav, the petitioner



Amar Yadav fired from rifle on the informant's husband which hit his chest. Thereafter, all the accused persons fired indiscriminately. The informant's husband was smeared with blood and fell down. The informant along with children fled away to save their lives.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner was not present at the place of occurrence. The petitioner has five criminal antecedents as stated in para 3 of the bail petition. The petitioner is in custody since 25.03.2023.

5. Learned counsel for the informant as well as learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner. It is further submitted that the bail application of the petitioner has earlier been rejected twice by the Co-ordinate Bench of this Court. It is further submitted that there is specific overt act against the petitioner of firing on the deceased due to that he died. During investigation, the witnesses vide para 10 and 37 of the case diary have also supported the prosecution story. It is further submitted that, there are firearms injuries on the deceased and doctor opined that the cause of death is Haemorrhage and shock caused by firearms. It is further



submitted that vide letter no. 50 of 2024, it is clearly mentioned that the petitioner is responsible for the delay in trial.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner , I am not inclined to enlarge the petitioner on bail.

7. Learned trial Court is directed to expedite the trial and conclude the same at the earliest.

8. The application stands rejected.

(Chandra Prakash Singh, J)

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