

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65048 of 2024

Arising Out of PS. Case No.-82 Year-2022 Thana- MORKAHI District- Khagaria

Botal Yadav @ Surendra Yadav Son of Triveni Yadav Resident of Village-
Santosh, Ward No. 10, P.S.- Allouli, Dist.- khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabish Kumar, Adv

For the Opposite Party/s : Mr. Pushpa Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 18-10-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Morkahi P.S. Case No. 82 of 2022 dated 03.08.2022 registered for the offence punishable u/s 302 read with 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, on 01.08.2022 at about 05:30 P.M., the informant along with his elder brother, namely, Chandan Kumar and nephew Randhir Kumar were returning to home in the meantime, all the accused persons including the petitioner and three unknown miscreants surrounded the informant's brother by pointing arms. The co-accused Sanjay Yadav shot fire on the head of Chandan Kumar as a result of



which he fell down. The petitioner is alleged to have fired on the thigh of Chandan Kumar. The co-accused Rupesh Kumar and the co-accused Subhash Kumar Yadav started firing upon Chandan Kumar due to which he sustained several injuries on his chest and hand. Afterward, all the accused persons fled away from the place of occurrence and nearby people assembled there and took the injured to Khagaria Sadar Hospital, where the doctor declared him dead.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case due to political rivalry as the deceased was elected for PACS President post and petitioner's family was the rival contestant. The petitioner has one antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 04.12.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that there is specific allegation against the petitioner of firing upon the deceased and several gunshot injuries were found on the body of the deceased. The Doctor opined the cause of death due to gun-shot injury. Earlier, the prayer for bail of the petitioner has already been rejected by the co-ordinate Bench of this Court



vide order dated 04.12.2023 passed in Cr. Misc. No. 23433 of 2023.

6. Considering the aforesaid facts and circumstances of the case as well as the serious nature of allegation against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Morkahi P.S. Case No. 82 of 2022 pending in the court of learned J.M-1st Class, Khagaria.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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