

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66299 of 2024

Arising Out of PS. Case No.-109 Year-2023 Thana- BHADAUR District- Patna

Saptu Yadav @ Saptu Kumar @ Saptu Kumar Yadav Son of Shri Vishwanath
Yadav Resident of Village - Khajurar, P.S. - Bhadaur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

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

ORAL ORDER

2 20-09-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in Bhadaur P.S. Case No.
109 of 2023, instituted for the offences punishable under
Sections 147, 148, 149, 302 of the Indian Penal Code and
Section 27 of the Arms Act.

3. The prosecution case, in short, is that, on the
alleged date and time, all the accused persons including this
petitioner armed with weapons came at the place of occurrence.
In the meantime, this petitioner along with Kundan Kumar
Yadav fired upon the husband of the informant due to which he
sustained injuries as a result of which he died.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. Charge has been framed in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the doctor did not find bullet injuries. Neither any used bullet has been found from the place of occurrence nor any arms and bullet have been recovered from the possession of the petitioner. The petitioner has surrendered in the learned Court below on 04.09.2023 and has got no criminal antecedent. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court vide order dated 09.05.2024 passed in Cr. Misc. No. 20149 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP for the State has further submitted that there is specific allegation of firing against the petitioner. The witnesses have supported the prosecution in paragraph, 6, 7 and 8 of the case diary that the petitioner has fired upon the husband of the informant. Hence, the petitioner does not deserve the privilege of regular bail.

6. Considering the nature of accusation against the petitioner and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.



7. The prayer is rejected. The trial Court is directed to expedite the trial expeditiously. However, if the trial is not concluded within a period of six months from the date of receipt/production, the petitioner will have liberty to renew his prayer for bail in the Court below.

(Rudra Prakash Mishra, J)

Rajorshi/-

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