

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69823 of 2024

Arising Out of PS. Case No.-139 Year-2023 Thana- BASANHI District- Saharsa

Rupesh Yadav @ Rupesh Kumar, S/o- Genu Yadav @ Genoo Yadav, Village-
Bijuliya, W.No-10, Ps- Basnahi, Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-10-2024 Heard Mr. Amarnath Jha, learned Advocate appearing
on behalf of the petitioner and Mr. Ram Priya Sharan Singh,
learned Additional Public Prosecutor for the State.

2. The application for grant of bail to the petitioner who is in custody in connection with Sessions Trial No. 159 of 2024 arising out of Basnahi P.S. Case No. 139 of 2023 registered for the offences punishable under Sections 341, 323, 307, 504 and 506 of the Indian Penal Code. Subsequently Section 302 of Indian Penal Code and 27 of the Arms Act were also added.

3. On account of some money transaction a dispute has cropped up whereupon, all the FIR named accused persons barged into the house of the informant and fired upon the father of the informant. In order to save his father when the informant



rushed to the courtyard, the petitioner fired upon him, due to which he sustained injury in his stomach.

4. Learned Advocate appearing on behalf of the petitioner contended that the FIR clearly suggest that the dispute has cropped up on account of a money transaction and only on account of the fact that the petitioner having some criminal antecedent, his name has been implicated in this case showing specific allegation of firing. It is next contended that the occurrence took place on 02.08.2023 but, the FIR has been instituted on 04.08.2023; the delay has not been explained. It is next contended that the informant who sustained injury has died subsequently on 24.08.2023; thereafter post-mortem has been conducted. In fact, there was a medical negligence in the treatment, which resulted into death of the deceased. Moreover, the petitioner is in custody since 31.10.2023.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that specific accusation has been levelled against the petitioner of causing fire arm injury to the informant, which proved fatal.

6. Regard being had to the submissions made on behalf of the parties and considering the specific nature of



accusation of causing fatal shot as also the criminal antecedent, which runs in five in number, this Court is not persuaded to enlarge the petitioner on bail.

7. Accordingly the prayer for bail of the petitioner stands rejected.

(Harish Kumar, J)

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