

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69089 of 2023

Arising Out of PS. Case No.-622 Year-2022 Thana- BARHARA District- Bhojpur

HARERAM YADAV son of Vijay Kumar Yadav @ Vijay Yadav Village-
Chhotaka Itahana Ps- Barahra Krishnagarh Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Awadhesh Kumar Pandey
For the Opposite Party/s :	Mr.Nawal Kishore Prasad
For the Informant	Mr. Priya, Adv.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 08-01-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for bail in a case
instituted for the offence under Sections 302, 201, 504 and
506/34 of the Indian Penal Code and Section 27 of the Arms
Act.

3. As per allegation in the FIR, information got an
information on phone that while his son Vishal Kumar @ Kallu
(deceased) was working in wood mill at Ara, five accused
persons including the petitioner opened fire which hit him and
thereafter all the accused persons fled away. Vijay Yadav took
his son to private Hospital at Ara, where he was declared died
during course of treatment.



4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. Informant is hearsay witness. For the said occurrence, all the family members were made accused in the present case. Father of the petitioner took the informant's son to the hospital to save his life. due to previous enmity. No specific allegation of firing is against the petitioner. As per para-3 of the petition, petitioner is a man of clean antecedent and languishing in judicial custody since 6.9.2022.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant and submitted that Vikash Kumar is the eye witness of the alleged occurrence and his statement is recorded in para 9 of the case diary in which he has stated that petitioner has opened fire which hit left armpit of the deceased. During course of investigation, several witnesses have supported the prosecution story. As per postmortem report, doctor opined cause of death due to fire arm injury.

6. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.



7. The trial court is directed to expedite and conclude the trial.

(Sunil Kumar Panwar, J)

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