

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70305 of 2024

Arising Out of PS. Case No.-318 Year-2023 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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Abhimanyu Singh Yadav @ Mantu Yadav @ Manu Yadav S/O Arjun Yadav
R/O Village- Makari Khoh, Ps- Bhagwanpur, District- Kaimur At Bhabhua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ashutosh Tripathy, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Singh, APP
For the Informant	:	Mr. Kumar Sunil, Advocate

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

ORAL ORDER

3 05-12-2024 Heard learned counsel for the petitioner, learned

APP for the State, learned counsel for the informant and perused

the case diary.

2. The petitioner seeks bail in Bhagwanpur P.S. Case
No. 318 of 2023, instituted for the offences punishable under
Sections 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

3. The prosecution case, in short, is that, husband of
the informant returned from the village of the petitioner with the
company of the petitioner and petitioner purchased some article
from shop, in the meantime four persons came and out of them
co-accused Daya Singh ordered to fire upon which co-accused



Ravi Shankar Singh opened fire upon the husband of the informant which hit his eye and he succumbed to his injury during course of his treatment.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that name of the petitioner has surfaced in the FIR itself but as a companion of the deceased and not an accused and no allegation of overt act is alleged against the petitioner. The petitioner is in custody since 09.07.2024 and has got five criminal antecedents.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. Learned APP for the State also submits that the allegations levelled against the petitioner is that he opened fire and injured the husband of the informant in drunken condition. It is further submitted that witnesses mentioned in paragraph nos. 8 to 14 of the case diary and restatement of the informant in paragraph no. 26 and other witness in paragraph no. 27 of the case diary have supported the accusation. Hence,



the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, nature of accusation 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.

(Rudra Prakash Mishra, J)

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