

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70635 of 2024

Arising Out of PS. Case No.-265 Year-2023 Thana- PANDARAK District- Patna

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Lallu Kumar Yadav @ Lallu Kumar Son of Mr. Suryadev Yadav Village-
Manjhlabigha, P.s.- Pandarak, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
Ms. Vaishnavi Singh, Adv.

For the Opposite Party/s : Mr. Ritwik Thakur, Adv.
Mr. Pradeep Narain Kumar, APP

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

ORAL ORDER

3 02-12-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Pandarak P.S. Case No. 265 of 2023 instituted for the offences
under Sections 341, 307 and 302 of the Indian Penal Code and
Section 27 of the Arms Act.

3. As per prosecution case, the accusation against the
petitioner is of injuring the Informant by firing as also killing
the Informant's daughter.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.



He submits that the F.I.R. has been registered after preparation of the inquest report which indicates the F.I.R. being lodged after due deliberation and fabrication at a belated stage. He further submits that the inquest witness viz. Uttam Kumar has neither been examined by the police nor he has been cited as a charge-sheet witness. Neither in the F.I.R. nor in course of investigation, the Informant has stated that he was present when the alleged occurrence took place. Similarly, no witness has stated that the Informant was present at the time of incident and, thus, the Informant was not a witness of any part of the occurrence and has falsely implicated in the petitioner in the present case. All the witnesses are interested witnesses and there is no independent witness who have supported the prosecution case. The police has also not found anything incriminating at the alleged place of occurrence which creates doubt in the prosecution case. Learned counsel for the petitioner further submits that the petitioner surrendered himself and was taken into remand and his confessional statement was recorded which is out and out a false statement. No firearm has also been recovered from the possession of the petitioner or even at his pointing. The petitioner has no criminal antecedent and is languishing in judicial custody since 23.11.2023 without any



rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner is named in the F.I.R. and the allegation made against the petitioner is serious in nature. He further submits that the Informant in his re-statement has fully corroborated the prosecution case which fact finds mentioned at Para-6 of the case diary. The postmortem report also supports the prosecution case. Several witnesses in Para 7, 8, 9 & 10 of the case diary have supported the prosecution case. There is also a confessional statement of the petitioner contained in Para-7 of the case diary in which he has confessed his guilt. The I.O., after investigation, has submitted charge-sheet against the petitioner for offence under Sections 341, 307, 302 of the I.P.C. and Section 27 of the Arms Act and, hence, the petitioner does not deserve bail.

6. Pursuant to the order dated 08.10.2024 passed by a Co-ordinate Bench of this Court, the learned court below has sent its report dated 29th of October, 2024, stating therein that charge was framed against the petitioner on 17.05.2024 and till date, the prosecution has not produced any evidence.

7. Having heard rival contention of both the parties



and considering the entire facts and circumstances of the case as also there being specific and direct allegation of firing against the sole petitioner, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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