

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76716 of 2023

Arising Out of PS. Case No.-64 Year-2022 Thana- KIUL District- Lakhisarai

Adesh Yadav S/O Sahdeo Yadav R/O Village Singhchak, Ps Kuil District
Lakhisarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajnish Chandra, Advocate

For the Opposite Party/s : Mr.Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 10-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Session Case No. 212/2022 arising out of Kuil P.S. Case No.
64/2022, lodged on 21.04.2022 under Sections 302/34 of the
Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the FIR has been lodged
against two named and two unknown accused persons including
the present petitioner with an allegation of resorting fire.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. In the FIR
itself, the enmity was shown. The petitioner is in custody since
13.09.2022 having clean antecedent. Moreover, the charge has
already been framed, hence, no purpose shall be served in keeping
the petitioner in custody.

5. Learned counsel for the State opposes the prayer for



bail.

6. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the deceased himself disclosed to the informant that it is the petitioner who has fired a gunshot upon him. The deceased has also disclosed his statement before the doctor who prepared the video in the presence of the informant and in this regard the statement has been given in the FIR itself. Counsel further submits that it is a case of dying declaration. The post-mortem report also suggests that the injury was in the stomach due to which he died.

7. The report with regard to the present stage of the trial was called for which suggests that the trial is likely to be concluded within one year.

8. In the present facts and circumstances, I am not inclined to grant regular bail to the petitioner.

9. Accordingly, the prayer for regular bail of the petitioner in connection with Sessions Case No. 212/2022, pending before the learned Sessions Judge, Lakhisarai is hereby rejected.

(Dr. Anshuman, J)

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