

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73760 of 2023

Arising Out of PS. Case No.-62 Year-2022 Thana- RAJNAGAR District- Madhubani

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ROHIT YADAV SON OF SAHDEO YADAV RESIDENT OF VILLAGE-
RANTI MOHANPUR, PS- RAJNAGER, DIST- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

6 05-07-2024 Heard Ms. Kumari Pallavi, learned counsel for

the petitioner and Mr. Pranav Kumar, learned APP for the

State.

2. The petitioner is in judicial custody in connection with Rajnagar P.S. Case No. 62 of 2022 instituted under Sections 143, 341, 323, 307 of the Indian Penal Code and section 27 of the Arms Act lodged on 20.3.2022 by the informant, Radhey Yadav.

3. As per the prosecution story, the allegation is that 10-15 unknown accused persons opened fire in the air and further one Rohit Yadav opened fire causing injury to the informant's left rib who was rushed to the D.M.C.H. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that



the specific allegation is against Rohit Yadav of opening fire and further the brother of the petitioner, Mithilesh Yadav had filed a case and accordingly when got an opportunity, he has been implicated in the present case.

5. Though learned counsel for the tried her level best to submit in favour of the petitioner, learned APP pointed out that it is petitioner herein who opened fire causing injury in the left chest and as per the injury report, there is fracture in the fifth ribs of the chest and the Doctor in the Sadar Hospital, Madhubani has found the same to be grievous in nature.

6. Learned counsel for the petitioner submitted that others have been granted relief in the present case .

7. Considering the aforesaid facts that the case of the petitioner can be very well differentiated with the other co-accused inasmuch as, there is direct allegation against the petitioner of opening fire which hit the chest and the injury as stated above, has been found to be grievous in nature. There is fracture in the rib.

8. In that background, the application stands rejected.

9. In view of the fact that the petitioner is in



custody since 28.6.2023, the Trial Court is directed to expedite the trial and take the same to its logical conclusion in next nine months.

(Rajiv Roy, J)

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