

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75745 of 2023

Arising Out of PS. Case No.-478 Year-2022 Thana- KHAGARIA District- Khagaria

LUSO YADAV SON OF NARAD YADAV R/O VILLAGE-
CHHARRAPATTI, P.S.- SHEBPUR KAMAL, DIST.- BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Siya Ram Shahi
		Mrs. Shally Kumari
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 07-03-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Khagaria (Muffasil) Police Station Case No. 478 of 2022, dated 28.05.2022, disclosing offences under Sections 302/120-B of the Indian Penal Code and Section 27 of the Arms Act.
3. The prosecution case, as per the First Information Report, is that on 18.05.2022, while the informant had gone for measurement of his field, the accused persons, including the petitioner, having fire-arms, arrived there and opened fire, due to which the informant's brother sustained bullet injury near his right ear. Subsequently, the informant's



brother died. It has further been stated that firing made by the co-accused Pinku Yadav @ Madhav Yadav killed the informant's brother. Further, allegation against the petitioner that he also opened fire, but did not hit the informant.

4. Mr. Siya Ram Shahi, learned counsel for the petitioner submits that the petitioner was, at best, member of unlawful assembly, however, the firing made by the petitioner did not hit the informant, rather, the firing made by the co-accused Pinku Yadav @ Madhav Yadav hit the informant's brother, due to which he died. The co-accused Phudan Yadav and Bogan Yadav, who were also armed with fire-arms and opened fired, have been granted regular bail by a Co-ordinate Bench of this Court in Criminal Miscellaneous No. 33333 of 2023 and 57146 of 2023 respectively.
5. Regards being had to the submissions made on behalf of the parties and taking into consideration the materials available on record and nature of allegation, I am not inclined to grant the petitioner privilege of anticipatory bail, accordingly, this application is dismissed.
6. If the petitioner seeks regular bail before concerned



District Court, the same may be considered on its own merit without being prejudiced by the present order and the concerned District Court may consider the fact that the co-accused persons have been granted regular bail by this Court.

(Anil Kumar Sinha, J)

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