

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77525 of 2023

Arising Out of PS. Case No.-371 Year-2022 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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Raj Kumar Yadav S/O Nanku Yadav Village- Mahkhar, Ward No. 11, Ps.
Bakhtiyarpur, Dist. Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate

Mr. Arun Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

- 4 07-03-2024 1. Heard learned Senior counsel for the petitioner and learned APP for the State.
2. The petitioner has preferred this application for grant of regular bail in connection with S.Tr. no. 243 of 2023 arising out of Bakhtiyarpur P.S. Case no. 371 of 2022 registered under sections 302, 307, 506, 504 and 34 of the Indian Penal Code and sections 25(1-B)a, 26, 27 and 35 of the Arms Act.
3. As per the prosecution case, the informant states that Raj Kumar Yadav i.e. the petitioner herein and Banti Sharma resorted to firing. The shot fired by Banti Sharma hit the informant's husband in his stomach while the shot fired by the petitioner in his chest. He further stated that Nanku Yadav fired three shots on the chest of the husband of the informant and one



shot in his head as a result of which he died.

4. Learned Senior counsel appearing for the petitioner submits that the petitioner has been falsely implicated in the case which would be evident from the contents of the F.I.R itself insofar as the informant does not appear to be an eyewitness. Further referring to the F.I.R it is submitted that while the occurrence alleged is said to have taken place at 8:00 p.m. on 20.8.2022, inspite of the police station being at a distance of only 6 kms., information as per the F.I.R was given at the police station only at 1:25 p.m. the next day on 21.8.2022. However surprisingly even before information having been given at the police station, the seizure list was prepared at 7:15 a.m. itself on 21.8.2022. It is thus submitted that after completion of the investigation, as an after thought, a false and incorrect F.I.R has been registered narrating a fictitious story and making false allegation against this petitioner and also others including the co-accused Banti Sharma. The said Banti Sharma has been enlarged on bail vide order dated 30.8.2023 passed in Cr. Misc. no. 37871 of 2023. The petitioner is in custody since 23.9.2022 and charge has been framed in the learned trial Court. He undertakes to cooperate in the trial.



5. The application for bail is opposed by learned APP
for the State.

6. Having heard learned counsel for the parties and
taking into consideration the allegations against the petitioner of
having fired at the husband of the informant hitting him in the
chest as a result of which the petitioner died, the Court is not
inclined to enlarge the petitioner on bail and the application is
rejected.

7. Taking into consideration the submissions made
and the facts and circumstances of the case, the learned trial
Court is directed to expedite the trial and to conclude the same
within a period of 6 months.

(Partha Sarthy, J)

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