

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76287 of 2024

Arising Out of PS. Case No.-397 Year-2022 Thana- BARARI District- Katihar

Awadhesh Yadav Son of Late Ramdas Yadav Resident of Village - Bakiya
Diyara, P.S. - Barari, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 05-12-2024 Heard Learned Counsel for the petitioner and

Learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Barari P.S. Case No.397 of 2022 lodged under Sections 147, 148, 149, 341, 386, 302 and 120B of the I.P.C. read with Section 27 of the Arms Act.

3. As per the prosecution case, the F.I.R. has been lodged against 4 named and 15 unknown accused persons. The specific allegation against the petitioner is that he has made second firing on the deceased.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that the specific allegation is against Mohan Thakur who has fired on deceased Arvind Yadav and thereafter the allegation against the present petitioner is to fire on his shoulder.

5. Learned Counsel further submits that the cause of



dispute is nowhere mentioned in the F.I.R. He further submits that antecedent of the petitioner is not clean. There are 4 criminal cases pending against him and it is only due to this reason, his enemies were inserted the name of the petitioner. The petitioner is in custody since 29.02.2024.

6. Learned Counsel for the State opposes the prayer for bail and submits that there is direct allegation of assault against the petitioner and from the criminal antecedent mentioned, out of four cases, he has been accused in two cases of section 302 of the I.P.C.

7. On the specific query by the counsel for the petitioner that what is the progress of the trial?

8. Learned Counsel for the petitioner submits that as per his knowledge, commitment has not taken place in this case.

9. In the present facts and circumstances of this case and particularly after seeing direct allegation against the petitioner, this Court is not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected.

(Dr. Anshuman, J.)

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