

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.653 of 2024

Arising Out of PS. Case No.-26 Year-2006 Thana- KAUWAKOL District- Nawada

Vishnudeo Yadav Son of Late Visheshvar Yadav R/o vill - Mananiya Tari, P.S.
- Kawa Kol, Distt. - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rudra Deo, Advocate
For the Opposite Party/s	:	Md. Mushtaque Alam, APP
For the Informant	:	Mr. Durgesh Nandan, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 09-04-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Kawakole P.S. Case no.26 of 2006 registered under sections 302, 307, 324, 326 and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, it is stated that the five named accused persons including the petitioner herein came variously armed with firearms. As a result of firing resorted to by the petitioner with his rifle, one Jitendra Kumar got gunshot injuries and subsequently died. In the occurrence, two persons are said to have been killed.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The manner of



occurrence is other than what has been narrated in the F.I.R. Even in the post-mortem examination report, there are two firearm injuries. The informant and the members of his family are veteran criminals with Sessions Trial no.65 of 2015 pending against them in the Court of learned Additional Sessions Judge II, Nawada. The petitioner was in custody in one another case and was not absconding. It was on his acquittal in the said case and on being released from custody on 12.7.2023 that he was arrested in the instant case from the jail gate itself, thus, he was not absconding.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that the petitioner is one of the assailants in a double murder case. In a case of the year 2006, he continued to abscond for a period of 17 years till he was arrested and taken into custody.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R. wherein the petitioner is said to be the assailant of one of the two deceased namely Jitendra Kumar, the petitioner having absconded in a case of the year 2006 till he was arrested and taken into custody on 12.7.2023 and the petitioner having



several antecedents as given in paragraph no.3 of the petition,
the Court is not inclined to enlarge the petitioner on bail and the
application is rejected.

7. Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

Saurabh/-

U		T	
---	--	---	--

