

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86045 of 2023

Arising Out of PS. Case No.-380 Year-2022 Thana- GAYA MUFASIL District- Gaya

Bhola Yadav @ Navneet Kumar S/O Bali Yadav @ Ram Bali Yadav R/O
Village- Belhanti, P.S- Muffasil, Distt.- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manisha Prakash
For the Opposite Party/s : Mr. Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 01-02-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner has prayed for bail in a case instituted for the offence under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per allegation in the FIR, husband of the informant and his daughter were coming to their home from village Simurahi. Eight miscreants including the petitioner, who were ambushed on the way, suddenly attacked upon her husband. On order of co-accused Arun Yadav, petitioner opened fire, which hit on his head and co-accused Mahesh Yadav fired which hit his stomach and thereafter all the accused persons fled away from there. On way to hospital,



informant's husband, namely, Kishori Yadav died.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case due to old land dispute. Informant is not the eye witness of the alleged occurrence. Save and except suspicion, nothing has come against the petitioner to suggest his involvement in the present case. Moreover, as mentioned in para 3 of the petition, petitioner has got no criminal antecedent and languishing in judicial custody since 2.8.2023.

5. The application for bail is opposed by learned APP for the State and submitted that there is direct allegation of opening fire against the petitioner, which hit the head of the informant due to which he succumbed to gunshot injury. Postmortem report corroborates the allegation of gunshot injury as alleged in the FIR. During investigation, several witnesses have supported the prosecution case.

6. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his



prayer for bail stands rejected.

7. The trial court is directed to expedite and conclude the trial.

(Sunil Kumar Panwar, J)

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