

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9407 of 2025**

Arising Out of PS. Case No.-68 Year-2018 Thana- PAHARPUR District- East Champaran

Munna Yadav S/O Kishundev Yadav R/O Vill.- Majhariya,P.S- Malahi, Dist-  
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                            |                                       |
|----------------------------|---------------------------------------|
| For the Petitioner/s :     | Mr. Y.C Verma, Sr. Advocate           |
|                            | Mr. Jainendra Kumar Pushkar, Advocate |
| For the Opposite Party/s : | Mr. Nand Kishore Prasad, APP          |

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

3      04-04-2025

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Sessions Trial no.681 of 2023 (arising out of Paharpur P.S. Case no. 68 of 2018 registered under sections 307, 147, 148, 149 and 302 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 the ten named accused persons including the petitioner herein along with 2-3 unknown accused persons came variously armed and started to plough the land of the informant. On the informant asking them not to plough the land, it is stated that on the orders of co-accused Kishun Dev Yadav, the petitioner fired from his rifle hitting Devendra Yadav on his nose as a result of which he fell down and died. Sonu Yadav and Rupesh Yadav are



also said to have resorted to indiscriminate firing as a result of which several persons were injured. The local police reached the place of occurrence and took the tractor in their possession.

4. Learned Senior counsel appearing for the petitioner submits that the earlier application for bail of the petitioner was rejected vide order dated 18.10.2023 (Annexure P/1) passed in Cr. Misc. no.65914 of 2023. The petitioner has been falsely implicated in the case. From the contents of the FIR itself it would transpire that the occurrence allegedly took place as a result of land dispute between the parties when the petitioner was exercising his right of private defence. There is no repetition of firing by the petitioner and the postmortem report falsifies the prosecution case. The petitioner is in custody since 9.1.2023 and undertakes to abide by conditions which may be laid by this Court for his release on bail.

5. The prayer for bail is opposed by learned A.P.P for the State.

6. A report was called for from the learned trial Court. As per the report received contained in letter no.77 dated 3.3.2025 of the District and Additional Sessions Judge- X, East Champaran, Motihari, the original FIR as also other documents as mentioned in the order are not available on record in the learned Court below. The report further states that a letter has



been issued to the Superintendent of Police, Motihari for carbon copy of the case diary but the same has not been received as yet.

7. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner in the F.I.R wherein he is said to have fired from his rifle resulting in Devendra Yadav sustaining firearm injury on his nose and subsequently having died together with the fact that in a case of the year 2018, the petitioner was taken into custody only on 9.1.2023, the Court is not inclined to enlarge the petitioner on bail and application is rejected.

8. Learned trial Court is directed to take steps to expedite the trial.

9. The Superintendent of Police, Motihari is directed to facilitate providing carbon copy of the case diary to the learned trial Court through the Investigating Officer of the case, at the earliest.

10. Let a copy of this order be communicated to the Superintendent of Police, Motihari.

**(Partha Sarthy, J)**

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