

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16942 of 2025

Arising Out of PS. Case No.-740 Year-2023 Thana- SAHARSA SADAR District- Saharsa

Awdhesh Kumar @ Awdhesh Kumar Yadav Son of Kameshwar Yadav
Resident of Village- Dibari, P.S.- Sadar (Sonbarsa Kachahary OP), District-
Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 16-05-2025

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.65 of 2024 (arising out of Saharsa Sadar P.S. Case no.740 of 2023) registered under sections 307 and 504 of the Indian Penal Code and section 27 of the Arms Act to which section 302 of the Indian Penal Code has been added subsequently.

3. As per the prosecution case, the informant states that the petitioner fired upon him with a pistol as a result of which the informant sustained firearm injury in his chest. He is being treated upon.

4. Learned counsel for the petitioner submits that the informant having subsequently died, section 302 of the Indian



Penal Code was added. The earlier prayer for bail of the petitioner was rejected vide order dated 26.7.2024 passed in Cr. Misc. no.31441 of 2024. The post-mortem report does not support the prosecution case in so far as it has not been stated therein that the so called weapon used was a firearm as has been alleged in the FIR. It is submitted that as per the instructions received, for the last one year no witness has turned up nor examined on behalf of the prosecution. The petitioner who is in custody since 21.11.2023 undertakes to cooperate in the trial.

5. The application for bail is opposed by learned A.P.P. for the State who submits that there is direct allegation against the petitioner of having resorted to firing with a pistol as a result of which the informant sustained firearm injury in his chest and subsequently died in course of treatment. With respect to the contents of the post-mortem report, it is submitted that the petitioner was treated/operated upon and having died subsequently, the contents of the post-mortem report shows surgical dressing on the same where the petitioner is alleged to have fired on the informant.

6. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner of having fired with a pistol on the chest of the informant resulting



in his death together with charge having been framed in the learned Court below, 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)

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