

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69571 of 2024

Arising Out of PS. Case No.-278 Year-2022 Thana- PHULPARAS District- Madhubani

Sudhir Yadav Son of Chandan Prasad Yadav R/O Village- Mahthaur Khurd,
P.S.- Phulpras, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Adv.

For the Opposite Party/s : Mr. Bharat Bhushan, APP

For the informant : Ms. Akanksha Malviya, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 04-02-2025 Heard Mr. Lakshmindra Kumar Yadav, learned
counsel for the petitioner and Ms. Akanksha Malviya
representing the informant besides Mr. Bharat Bhushan, learned
APP.

2. The petitioner is in custody in connection with
Phulparas P.S. Case No. 278 of 2022 corresponding to G.R. No.
954 of 2022 corresponding to Session Trial No. 277 of 2024 for
the offence punishable under sections 147, 148, 149, 341, 323,
307, 302, 504, 120(B) of the Indian Penal Code and under
Section 27 of the Arms Act lodged on 10.06.2022 by the
informant, Bucchi Devi.

3. As per the prosecution story, the lady gave her
fardbeyan at Darbhanga Medical College Hospital, Emergency
Ward that she along with her daughter was fixing the roof over



the house when the accused persons came armed variously and allegation against this petitioner is of opening fire causing injury in the leg of her daughter. When the nephew (Krishna Dev) came to her rescue, this petitioner opened fire causing injury in his chest who was referred to the Primary Health Centre Phulparas and then to Darbhanga Medical College Hospital where while Pooja Kumari was being treated, Krishan Dev was declared dead. This led to the FIR.

4. Earlier, the petitioner had moved before this Court and the Co-ordinate Bench in Cr. Misc. No. 70880 of 2023 rejected the same on 29.01.2024.

5. This is the second attempt.

6. It is the case of the petitioner that admittedly, there is a land dispute, both parties have lodged cases. Further, one of the independent witness has narrated a different story about opening of the fire by the opposite party without specifying the name of the accused. In that background, it cannot be ascertained who killed Krishna Dev. Further, the deceased has criminal antecedent.

7. Ms. Malviya representing the informant on the other hand submits that he is the main assailant. Further, he has criminal antecedent and despite being the main assailant named



in the FIR, he absconded and evaded arrest for almost one year. Bailing him out is going to jeopardize the trial. As such, she opposes the prayer.

8. Having gone through the facts of the case and the materials on record besides the submissions of the parties, there is a force in the submission of learned APP. The deceased may have criminal antecedent, no one in this country much less the petitioner has the right to take the law in his own hand and decide the fate of the criminal. Direct allegation is against the petitioner of opening fire causing injury to Pooja Kumari and further, second shot pierced the chest of the deceased.

9. No relief can be granted, the petition stands dismissed.

10. Before parting, this Court would like to put on record its word of appreciation for Ms. Akanksha Malviya, learned counsel appearing for the informant for the proper assistance to the Court.

(Rajiv Roy, J)

Vijay Singh/-

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