

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81097 of 2024

Arising Out of PS. Case No.-197 Year-2023 Thana- SAHAR District- Bhojpur

Rajeshwar Yadav @ Chhotak Yadav, S/o- Shiv Pukar Yadav Resident of
Godiha P.S. - Sahar, District-Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Shweta, Advocate
For the Informant	:	Mr. Shiv Prasad Gupta, Advocate
For the Opposite Party/s	:	Ms. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 17-01-2025 1. Heard Ms. Shweta, learned counsel for the
petitioner, Mr. Shiv Prasad Gupta, learned counsel for the
informant and Ms. Rita Verma, learned APP for the State.

2. The petitioner seeks regular bail in connection with Sahar P.S. Case No. 197 of 2023 dated 24.12.2023 registered for the offence(s) punishable under Sections 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution story, the informant stated that on 23.12.2023 at about 7:00 P.M., when he was sitting in his *dalan* with his son, the petitioner along with other co-accused persons came and started abusing them. Co-accused Rohit Yadav instigated the others upon which the petitioner fired at the informant's son, thus, causing him firearm injury



resulting in his death.

4. The main submissions advanced by learned counsel for the petitioner are that the petitioner was not arrested at the spot and the police did not recover any firearm from his possession after he was taken into custody and he himself surrendered before the trial court. It is further submitted that the informant's son, deceased, was murdered by some unknown and the petitioner has been falsely implicated in the alleged murder though against him there is criminal antecedent of one case but the same relates to different nature of the offences in which he is on bail.

5. On the other hand, learned counsel for the informant has vehemently opposed the bail prayer of the petitioner and submitted that the petitioner is the main assailant who caused firearm injury to the informant's son, resulting in his death and as per postmortem report, the cause of death of the deceased was opined by gun shot injury which corroborates the allegations levelled against the petitioner in the FIR.

6. Having considered the seriousness of the allegation which relates to murder and the petitioner is named in the FIR and he is alleged to be the main assailant who caused firearm



injury to the deceased by using a gun and as per the order impugned, the gun shot injury found on the body of the deceased is said to be the main cause of his death, in my opinion, it is not a fit case for bail to the petitioner. Accordingly, his prayer stands rejected.

(Shailendra Singh, J)

Rajiv/-

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