

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85666 of 2024

Arising Out of PS. Case No.-200 Year-2023 Thana- MURLIGANJ District- Madhepura

Shravan Kumar Son of Laxman Yadav Resident of Village - Pokhram Ward
No. 3, P.S. - Murliganj, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Barun Kumar Singh, Advocate
Mr. Kumar Praveen, Advocate
For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 24-01-2025

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Murliganj P.S. Case no.200 of 2023 registered under sections 302, 341, 342, 386, 120B, 504 and 506 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant states that on the orders of Sunil Verma, on the firing resorted to by Anil Yadav, Bauaa Yadav and Nitish Kumar, her husband sustained gunshot injuries and fell to the ground. It is further stated that thereafter the petitioner and one Vijay Kumar also shot the informant's husband. He died soon thereafter.



4. Learned counsel for the petitioner submits that the petitioner, who is a 20 year old boy, has been falsely implicated in the case which would be evident from the contents of the F.I.R itself. While a detailed description is given by the informant who claims herself to be an eye witness to the alleged occurrence, the postmortem report does not support the prosecution case as described in the F.I.R. As against the allegation of firing by five accused persons including the petitioner herein which the informant claims to see hitting her husband, the postmortem report shows only two wound of entry. The petitioner is in custody since 26.2.2024. It is further submitted that there is an unexplained delay in lodging of the FIR and the informant and the petitioner are resident of separate villages. The petitioner undertakes to cooperate in the case/trial.

5. The application for bail is opposed by learned A.P.P for the State. Learned APP having perused the contents of the postmortem report, does not dispute that there are only two wound of entries mentioned therein.

6. A report was called for from the learned trial Court. As per the report received, the case is pending for commitment.

7. Taking into consideration the allegation against the petitioner who is named in the FIR as one of the assailant of the



deceased, the Court is not inclined to enlarge the petitioner on bail at this stage and the application is rejected.

8. In view of the facts and circumstances of the case, liberty is granted to the petitioner to renew his prayer for bail after six months or on framing of charge, whichever is later.

(Partha Sarthy, J)

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