

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77767 of 2023**

Arising Out of PS. Case No.-206 Year-2018 Thana- KHAGARIA District- Khagaria

ANUJ YADAV S/O RAJENDRA YADAV R/O VILLAGE- BARKHANDI
TOLA, PS. MUFFASIL, DIST. KHAGARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Kumar, Advocate

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

- 2 08-12-2023 1. Heard the learned counsel for the petitioner and the learned APP for the State.
2. The present petition is by way of second attempt at the behest of the petitioner for grant of regular bail in connection with Khagaria (Mufassil) P.S. Case No.206 of 2018, registered for the offence punishable under Sections 147, 148, 149, 341, 323, 307, 448 and 302 of the Indian Penal Code and Section 27 of the Arms Act, inasmuch as the earlier prayer of the petitioner for grant of bail was rejected by this Court by an order dated 17.01.2023, passed in Cr.Misc.No. 60192 of 2022.
3. The case of the prosecution, in brief, is that on 04.04.2018 at about 5 pm, the petitioner and other co-accused persons had arrived at the house of the informant, snatched



ornaments and had taken away the mare and had also asked the informant to pay a sum of Rs.2 lakh for release of the mare. For the aforesaid incident, an FIR against the accused persons had been lodged by the mother of the informant on 06.04.2018. Again, on 07.04.2018, at about 6 am, while the brother of the petitioner was returning after attending the call of nature, the petitioner and other co-accused persons armed with rifle surrounded the brother of the informant and as far as the petitioner is concerned, he had fired with a rifle on the right eye of the brother of the informant resulting in his instantaneous death on the spot, whereafter other accused persons had also engaged in overt act.

4. The learned counsel for the petitioner has submitted that the petitioner is languishing in custody since 12.05.2022, however, there is no progress in the ongoing trial, hence a sympathetic view be taken for the purposes of grant of regular bail to the petitioner, herein.

5. Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the



materials available on record this Court finds that not only the petitioner is the main assailant, who had fired gunshots on the brother of the informant, resulting in his instantaneous death, but there is also no change in the circumstances so as to warrant reconsideration of the prayer of the petitioner for grant of regular bail, thus I do not find any merit in the present petition, hence the same stands dismissed.

(Mohit Kumar Shah, J)

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