

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20231 of 2015

Arising Out of PS.Case No. -137 Year- 2012 Thana -KHAJEKALA District- PATNA

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Dilip Yadav @ Dilip Kumar son of Radha Mohan Yadav, resident of
Mohalla - Buxi Mohalla, Police Station - Khajekalan, District - Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Nutan Mihra, Advocate

For the State : Mr. Damodar Prasad Tiwary, APP

For the informant : Mr. Makardhwaj Upadhyay, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 29-07-2015

Heard learned counsel for the petitioner, learned counsel
for the State and learned counsel for the informant.

The petitioner seeks bail in connection with Khajekalan
P.S. Case No.137 of 2012 registered under sections 341, 323 and
302 read with 34 of the Indian Penal Code and section 27 of the
Arms Act. The prayer for bail of the petitioner was twice rejected
by this Court earlier.

It is contended that during pendency of the case several
other co-accused having more or less identical allegations have
been released on bail by different orders passed by this Court. The
petitioner is said to be in custody since 25th February, 2013. In
course of argument, it has been submitted that though the case has
been committed to the court of session, charges have not been
framed as yet.

On the other hand, learned counsel for the State has

submitted that the petitioner is a dreaded criminal and has been made accused in at least seven other cases. He has submitted that the witnesses examined in course of investigation have stated that the petitioner assaulted with iron rod and stone on the head of Ajit Yadav as a result of which he died. The oral allegation is duly corroborated by medical evidence.

Learned counsel for the informant has submitted that it is a case of multiple murder in which three persons have lost their lives. He has further submitted that all the prosecution witnesses are ready to depose before the court but due to delaying tactics of the accused persons charges are not being framed. He has contended that the independent witnesses would be examined within two months of the framing of charge.

Regard being had to the facts and circumstances of the case, the prayer for bail of the petitioner is rejected. The court below is directed to frame charge and proceed with the trial on day- to-day basis. If the trial is not concluded within six months from the date of framing of charge, the petitioner would be at liberty to renew his prayer for bail before the trial court itself.

(Ashwani Kumar Singh, J)

Md.S./-

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