

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7219 of 2015

Arising Out of PS.Case No. -213 Year- 2010 Thana -UDWANTNAGAR District- BHOJPUR

Vinod Yadav @ Vinod Singh S/o Chandrama Yadav Resident of Village
Raghunipur, P.S. Udwant Nagar, District Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar

For the Opposite Party/s : Mr. Ashraf Ansari(App)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 19-05-2015 Heard Mr. Kumar for the petitioner and Mr. Dayal
learned APP for the State.

The petitioner is facing accusation punishable under section 302/34 IPC and section 27 of the Arms Act vide Udwant Nagar P.S. Case No. 213/2010. The allegation is that while the informant along with her daughter-in-law (deceased) and granddaughter were going on the road, the petitioner along with others came there and the infant in the lap of the victim was separated. The petitioner along with his brother Dharmendra Yadav fired at the head of the victim. She succumbed to her injuries.

Contention of the petitioner is that the doctor who conducted the post mortem did not find any inquiry on the skull caused by fire-arms. The petitioner is languishing in jail since 07.02.2014.

Mr. Dayal learned APP conversely submitted that as per the FIR the petitioner is the assailant. The learned Sessions

Judge has noted that several witnesses have supported the prosecution case. The opinion of the doctor with regard to the cause of injury would be a matter which can be explained or decided when the evidence is adduced. The petitioner has a criminal antecedent. The trial has already commenced.

Considering the facts and circumstances of the case, gravity of the offence and the nature of allegation attributed to the petitioner, I am not inclined to grant bail to the petitioner. His prayer for bail is refused.

The petitioner appears to be in custody since 07.02.2014 and the trial of the case has already commenced. In such circumstances, the petitioner is granted liberty to renew his prayer for bail in the court below itself if all the prosecution witnesses are not examined within nine months from the date of receipt/communication of a copy of this order in the court below.

(Kishore Kumar Mandal, J)

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