

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13391 of 2015

Arising Out of PS.Case No. -82 Year- 2008 Thana -MASAURHI District- PATNA

Ganesh Yadav S/o Barhu Yadav R/o Village - Kharauj, P.S. -
Bhagwanganj, District - Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satrudhan Kumar

For the Opposite Party/s : Mr. Sucheta Yadav (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 02-07-2015 Heard learned counsels for the petitioner and
the State.

The petitioner is languishing in custody since
24.09.2014 in a case registered for the offences punishable under
Sections 302, 120B/34 of the Indian Penal Code and 27 of the
Arms Act.

It is alleged that the petitioner and co-accused
Usman yadav fired at Mithilesh Kumar when he fell down then
firing was also resorted to by the petitioner, co-accused Ganga
Yadav, Tej Narayan Yadav, Ishwari Yadav and Vijay Yadav as a

result Mithilesh Kumar died on the spot.

It is submitted by learned counsel for the petitioner that the accusation of firing is also against Usman yadav, but he has been granted bail vide Cr. Misc. No. 1813 of 2011 on 21.01.2011. The said order has been brought on record as Annexure-3. It is further submitted that since the accusation of firing is against several persons, hence, it cannot be said that whose firing became fatal.

A statement has been made in para 3 of the petition that the petitioner has no criminal antecedent.

It is submitted by learned APP after going through the case diary that the victim has received several gun shot injury.

It appears that Usman Yadav has been granted bail perhaps on the wrong submission that he was simply a member of the mob.

Considering the nature of accusation, this Court is not inclined to grant bail to the petitioner in connection with Masaurhi (Bhagwanganj) P.S. Case No. 82 of 2008 pending in the court of learned SDJM, Masaurhi, Patna.

Accordingly, the prayer for bail of the petitioner is rejected for the present.

Let the trial be expedited.

However, the petitioner will be at liberty to renew his prayer for bail, if the trial is not concluded within a period of one year.

(Dinesh Kumar Singh, J)

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