

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45757 of 2014

Arising Out of PS.Case No. -64 Year- 2010 Thana -BARACHATTI District- GAYA

Dashrath Yadav, S/o Late Teja Yadav, resident of Village - Maliya Koni,
P.S. - Barachatti (Mohanpur), District - Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Diwakar Sinha, Advocate.

For the Opposite Party : Mr. Nityanand(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

8 22-10-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 12.09.2010
in connection with Sessions Trial No. 06 of 2011/05 of 2011,
arising out of Barachatti(Mohanpur) P.S. Case No. 64 of 2010 for
the offences instituted under Sections 302/34 of the IPC. And 27
of the Arms Act.

The prosecution story, in brief, is that on 03.04.2010 at
about 7.00 hours, while the informant alongwith his father, Keshar
Yadav, was returning to his village from Gaya Court after giving
statement in murder case and when they reached near the outer
area of the village, the accused persons suddenly appeared and
started firing indiscriminately but the informant succeeded in

fleeing and his father sustained several gunshot injuries and on gun firing sound, the police came and referred his father to the Government Hospital and in course of treatment, he was advised and referred to PMCH but he died while he was being taken to PMCH on 04.04.2010.

The earlier bail application of the petitioner was rejected vide Annexure-1 series to the present application.

A report was called for from the court below. It has been reported that out of 21 prosecution witnesses, 15 witnesses have already been examined and the trial is expected to be concluded within a period of three months.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Sessions Trial No. 06 of 2011/05 of 2011, arising out of Barachatti (Mohanpur) P.S. Case No. 64 of 2010, pending in the court of the learned Adhoc Additional District & Sessions Judge-I, Gaya.

The court below is directed to take all necessary steps to conclude the trial preferably within a period of four months from the date of receipt/production of copy of the order.

The District Magistrate, Gaya and the Superintendent of Police, Gaya, are also directed to ensure that the witnesses are produced on the date fixed by the court below so that the trial

could be concluded within the stipulated period.

Let a copy of this order be communicated to the
District Magistrate, Gaya and the Superintendent of Police, Gaya.

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(Sudhir Singh, J)

