

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23629 of 2016

Arising Out of PS.Case No. -73 Year- 2015 Thana -HALSI District- LAKHISARAI

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Raj Kumar Yadav Son of Sri Ramdeo Yadav, Resident of village -
Pratappur, P.S. Halsi, District - Lakhisarai

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ambika Bhagat, Advocate

For the Opposite Party : Mr. Sanjay Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 05-08-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody in connection
with Halsi P.S. Case No. 73 of 2015 for the offences instituted
under Sections 147,148,149,447,341,323,302,504 and 506 of the
Indian Penal Code and Section 27 of the Arms Act.

There is allegation against the petitioner that he along
with other co-accused demanded ransom from the brother of the
informant and when he objected then the accused Ramdeo Yadav
assaulted with lathi on the head of Mahesh Yadav, as a result of
which, he sustained injury. It is also alleged that when he along
with his father and cousin brother went to save him, then accused
Ramdeo Yadav assaulted with lathi on the head of his cousin

brother Sanjay Yadav due to which his head got fractured. Thereafter the petitioner fired from pistol upon the younger brother of the informant, which hit upon his left thigh and he became unconscious and died on the spot.

It has been submitted on behalf of the petitioner that petitioner is in custody since 04.07.2015. Charge sheet has been submitted in the present case and there is no criminal antecedent against the petitioner. There is no allegation of tampering of the witnesses against the petitioner. The petitioner is said to have caused injury upon the left thigh of the deceased. From perusal of para-69 of the case diary, it is evident that the deceased was in the habit of eve-teasing the female members of the village. The deceased had misbehaved with the family members of the petitioner also. There is allegation that the deceased has been done to death by the villagers including the petitioner.

On behalf of the State as well as informant, it has been submitted that the petitioner is named in the First Information Report and there is specific allegation against him for causing fire arm injury on the thigh of the deceased. The bail of the other co-accused has been rejected vide Cr. Misc. No. 12116 of 2016 dated 29.06.2016.

Considering the aforesaid facts and circumstances, I

am not inclined to grant bail to the petitioner, at this stage. The same is rejected in connection with Halsi P.S. Case No. 73 of 2015, pending in the Court of learned Addl. District & Sessions Judge-III, Lakhisarai.

However, the trial court is directed to take all necessary steps to conclude the trial within a period of eight months from the date of receipt or production of a copy of this order.

Learned District Magistrate, Lakhisarai and the Superintendent of Police, Lakhisarai are also directed to ensure the production of the witnesses, on the date, fixed by the trial court.

Let a copy of this order be communicated to the District Magistrate, Lakhisarai and Superintendent of Police, Lakhisarai, so that the trial could be completed within stipulated period.

(Sudhir Singh, J.)

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