

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39304 of 2016

Arising Out of PS.Case No. -79 Year- 2011 Thana -MUNGER MUFFASIL District- MUNGER

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Ram Gulam Yadav, Son of Jayrath Yadav, resident of Karari Tola Taufir
P.S. Muffasil, District Munger.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Jha

For the Opposite Party/s : Mr. Chandrasen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

4 24-11-2016

Heard both sides.

Petitioner seeks bail in Muffasil P.S. Case No. 79 of
2011 under Sections 302 and other sections of I.P.C. and 27 of
the Arms Act.

The informant alleged that petitioner along with other
accused persons, while he was coming to his house after
harvesting the wheat crops, surrounded his father and Ram
Gulam Yadav (the petitioner), Arun Yadav, Fudo Yadav and
Amin Yadav begun to fire. His father sustained fired arm injury
and died.

Learned counsel for the petitioner submits that
petitioner is innocent. There is admitted land dispute between the
parties, Arun Yadav and Manish Kumar faced the trial vide
Sessions Trial No. 327 of 2015, dated 24.02.2016 and they were
acquitted. The case of the petitioner stands on the same footing.
The petitioner is in jail since 02.02.2016.

On the other hand, learned A.P.P. vehemently opposed the prayer of bail and submits that it appears that informant made very specific allegation against the petitioner that he along with others caused fire arm injury to the father of the informant. The petitioner was absconding for more than five years. The petitioner surrendered in the Court only on 02.02.2016 and petitioner has got criminal antecedent.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

The trial Court is directed to hold the trial on day to day basis and conclude the same within nine months from the date of receipt of this order.

The Superintendent of Police, Munger is directed to ensure the attendance of prosecution witnesses of Muffasil P.S. Case No. 79 of 2011, corresponding to S.T. No. 146 of 2016, so that the trial must be concluded within nine months.

Let a copy of this order be sent to learned Addl. Sessions Judge-5th, Munger as well as Superintendent of Police, Munger for information and needful.

(Prabhat Kumar Jha, J.)

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