

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9216 of 2016

Arising Out of PS.Case No. -78 Year- 2012 Thana -MEDANICHOWK District- LAKHISARAI

Rajesh Yadav, Son of Dahu Yadav, R/o village - Nawtolia, P.S. Mednichowki, District - Lakhisarai

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.19840 of 2016

Arising Out of PS.Case No. -78 Year- 2012 Thana -MEDANICHOWK District- LAKHISARAI

Bhushan Yadav S/o Darogi Yadav a resident of Village- Khawa, Chain Tola, P.S.- Mednichak, District- Lakhisarai

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.9216 of 2016)

For the Petitioner/s : Mr. Binod Murari Mishra

For the Opposite Party/s : Mr. Ajay Kumar-I(App)

(In Cr.Misc. No.19840 of 2016)

For the Petitioner/s : Mr. Rajni Kant Jha

For the Opposite Party/s : Mr. Ataur Rahman(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 27-06-2016 Both the criminal miscellaneous cases are arising out of same P.S. and therefore, they are heard together and disposed of accordingly.

Heard learned counsel for the petitioners and learned A.P.P. representing the State.

The petitioners seek bail in connection with Mednichowki P.S. case no. 78/2012 registered for the offences punishable under Sections 147, 148, 149, 302 of Indian Penal Code and Section 25(1-b)a /27/35 of the Arms Act.

The allegation against both the petitioners is that the petitioners along with others assaulted the brother of the informant with bricks and stones.

Submission is of false implication and that admittedly there is land dispute, at the place of occurrence pistol and cartridges were found, the petitioners have been made victims of the circumstances, the deceased might have been killed by some one else, the prosecution story appears not probable and reliable, during investigation different versions have come in the statements of the witnesses, there is material contradiction in the statements made before the police and in the statements recorded under Section 164 Cr.P.C. and as such, the petitioners deserve sympathetic consideration, petitioner Rajesh Yadav is suffering in custody since 08.12.2015 whereas Bhushan Yadav is suffering in custody since 25.08.2015.

Learned A.P.P. opposed the prayer for bail by submitting that during investigation also, eye-witnesses have supported that the petitioners are the assailants and in post mortem

report also corresponding firearm injuries have been found.

In the facts and circumstances stated above, considering the allegations attributed against the petitioners serious in nature, at this stage, I am not inclined to enlarge the petitioners on bail and as such, the prayers stand rejected. However, considering the detention of the petitioners, let the trial be expedited and concluded as early as possible preferably within nine months from the date of receipt/ production of a copy of this order.

(Jitendra Mohan Sharma, J.)

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