

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7841 of 2016

Arising Out of PS.Case No. -34 Year- 2012 Thana -KHUTAUNA District- MADHUBANI

Laxmi Yadav, Son of Late Biltu Yadav, resident of Village- Ekdara, Police Station- Khutauna, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Narain Yadav

For the Opposite Party/s : Mr. Indu Bala Pandey(App)

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR
TRIVEDI
ORAL ORDER

3 28-07-2016 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Gone through the report submitted by the learned lower court wherefrom it is evident that after examination of three witnesses a prayer was made on behalf of prosecution under Section 319 Cr.P.C. which has been allowed vide order dated 8.6.2016.

Petitioner happens to be the main assailant along with Ghuran Yadav who shot at deceased and further, duly substantiated by the evidence of the prosecution witnesses.

In the aforesaid background, I do not see any cogent ground to reconsider the prayer which was rejected at an earlier occasion vide order dated 2.9.2014 (Annexure-1) for grant of

provisional bail in the earlier order dated 2.9.2014 by which prayer for bail of the petitioner along with other co-accused was rejected.

Accordingly, instant petition is rejected.

However, learned lower court will see visibility of fate of the trial of the accused who are already on record since before in the pendently proceed awaiting appearance of additional accused in terms of Section 319 of Cr.P.C., in case there happens to be delay in appearance.

(Aditya Kumar Trivedi, J)

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