

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50597 of 2015

Arising Out of PS.Case No. -106 Year- 2014 Thana -ATRI District- GAYA

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Sobhanand Yadav Son of Ramdev Yadav Resident of Village - Bhalua,
Police Station - Atri, District - Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Asgher Najmi, Advocate
For the informant : Mr. Manish Kumar No.2, Advocate
For the Opposite Party/s : Mr. Binay Krishna, (Spl.App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 08-02-2017 Heard learned counsels for the petitioner, informant
and learned counsel for the State.

The petitioner has renewed the prayer for bail in connection with Atri P.S. Case No.106/2014 registered for the offences punishable under sections 147/148/149/323/504/302/120B of the Indian Penal Code, 27 of the Arms Act and section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, pending before the learned Judicial Magistrate, 1st Class, Gaya.

Prosecution case is that initially co-accused Guddu Kumar, the nephew of this petitioner, eloped with the sister of the informant, Baby Kumari, for which the case was lodged. It is alleged that on the alleged date of occurrence, in the background



of the earlier case, the accused persons came and started passing sarcastic remarks against the family members of the informant's side. On protest being on the order of Ramdeo Yadav, co-accused Mohan Kumar Yadav, resorted to fire in the air and, thereafter, co-accused Guddu Kumar also resorted to fire. Ultimately, the petitioner snatched pistol from co-accused Mohan Kumar Yadav and fired on the father of the informant, who ultimately succumbed to the injuries.

It is submitted by learned counsel for the petitioner that actually the victim died due to the firing made by the informant's side, but since the petitioner's family was on litigating terms due to elopement of the sister of the informant with the nephew of the petitioner namely Guddu Kumar, he has been roped in the present case.

Learned counsel for the informant submits that as per the FIR, the petitioner is the main assailant.

The report of the learned trial Court dated 7th of December, 2016, reflects that only one witness i.e., the second I.O. Kaushal Kishore Sharma is left to be examined.

Considering the present advance stage of the trial, this court is not inclined to revise the earlier order. Accordingly, the application for bail on behalf of the petitioner is rejected.



However, learned counsel for the State submits that the prosecution will make all effort to examine the only left witness on the next date fixed.

It is expected from the Sr. Superintendent of Police, Gaya, to produce the second I.O. on the next date fixed.

It is expected from the learned trial Court to conclude the trial expeditiously, preferably, within a period of three months.

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(Dinesh Kumar Singh, J)

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