

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51998 of 2016

Arising Out of PS.Case No. -447 Year- 2016 Thana -KHAGARIA District- KHAGARIA

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Tunish Yadav, son of Late Nirdhan Yadav, resident of Village-
Kumharchakki, P.S.- Muffasil, District- Khagaria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Paras Nath, Advocate.

For the Opposite Party : Mr. Kumar Virendra Narayan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 10-01-2017 Heard learned counsels for the petitioner, informant and

learned counsel for the State.

The petitioner is languishing in custody since 30.07.2016
in connection with Khagaria (Muffasil) P.S. Case No. 447 of
2016 for the offences instituted under Sections 302, 120(B)/34 of
the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 15.07.2016, the
informant's husband had gone to market to do work.
Subsequently, one Chandan Yadav has informed her that her
husband has died and his dead body is lying towards a Temple.
She alongwith others went there and found firearm injury on his
body. She alleged that FIR named accused persons committed
murder of her husband as one month before they had convened



Panchayat with the blame that she has got illicit relation with this petitioner who was friend of her husband.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 30.07.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He is not named in the FIR. There is no substantive evidence to suggest his implication in the present case.

On behalf of the learned counsels for the State and the informant, it has been submitted that the name of the petitioner has come in course of investigation and on the basis of confessional statement of the petitioner, arms used in course of occurrence is said to have been recovered.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Khagaria (Muffasil) P.S. Case No. 447/2016, pending in the court of the learned C.J.M. Khagaria.

. It has been submitted by learned counsel for the informant that the case has already been committed to the Court of Sessions. The court below is directed to take all necessary steps to expedite the trial and conclude the same preferably within a period of one year from the date of receipt/production of copy of this order.



The District Magistrate, Khagaria and the Superintendent of Police, Khagaria are also directed to ensure that prosecution witnesses are produced in the court on the date fixed by the court below so that the trial could be concluded within the stipulated period.

Let a copy of this order be communicated to the District Magistrate, Khagaria and the Superintendent of Police, Khagaria.

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(Sudhir Singh, J)

