

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50264 of 2016

Arising Out of PS.Case No. -137 Year- 2012 Thana -KHAJEKALA District- PATNA

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1. Bablu Gope @ Bablu Yadav Son of Late Kheladi Rai @ Kheladi Yadav
resident of Village- Mitan Ghat, P.S.- Khajekalan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur
Mr. Nilesk Kumar

For the Opposite Party/s : Mr. Ajay Kumar Jha

For the informant : Mr. Makardhwaj Upadhyay.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 02-03-2017 The petitioner is in custody since 14.06.2016 in connection with Khajekalan P.S. Case No. 137 of 2012, registered for offences punishable under Sections 323, 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

It has been submitted on behalf of the petitioner that though there is allegation against the petitioner and three other accused person that they fired, which killed three persons, however the allegation does not find support from the materials collected during the course of investigation as some witnesses have supported the case of prosecution and some witnesses have said that it was the other co-accused Sudhir, who made firing and has not said anything about this petitioner. It has further been



submitted that there is a counter version of the present occurrence also that it is the prosecution side, who attacked the house of the accused persons due to serious enmity going on between the parties, for which Khajekalan P.S. Case No. 136 of 2012 was registered.

Heard learned A.P.P. and learned counsel for the informant. Learned counsel for the informant opposed the prayer for bail and submitted that petitioner has criminal antecedents as he is accused in several other cases also. It has further been submitted that the petitioner was prime accused in the murder of one Vijay Yadav, in which the wife of the informant was an eye witness and for that the petitioner used to pressurize the informant and his wife.

Having heard both sides, in view of the fact that there is allegation against the petitioner and other accused persons that they called the deceased and thereafter they fired and killed them and also in view of the fact that several witnesses have supported the prosecution story, as such, I am not inclined to grant the petitioner, the privilege of bail, it is accordingly rejected.

However, the trial court is directed to expedite the trial and try to conclude it as early as possible.

Senior Superintendent of Police, Patna is also directed to



ensure the production of the witnesses on the date fixed by the court so that the trial can be concluded expeditiously.

(Vinod Kumar Sinha, J)

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