

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.53574 of 2016**

Arising Out of PS.Case No. -71 Year- 2011 Thana -KHAJEKALAN District- PATNA

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Mulkan Rai @ Bulkan Yadav @ Gulkan Yadav, son of Shyam Rai @ Bilas Rai @ Byas Rai, resident of village Mohanpur, P.S. Raghapur, Distt. Vaishali

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Raj Bansh Dubey, Advocate.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

5      10-03-2017

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Khajekalan P.S. Case No.

71 of 2011 instituted for the offence under Sections 302/34 of the Indian Penal Code.

It is alleged in the Fardbeyan that Dhiru Yadav fired in the back of the head of brother of the informant due to which he fell down and, thereafter, the petitioner along with other accused persons started indiscriminate firing from the pistol and Katta on account of which his brother sustained firearm injuries and he became unconscious at the place of occurrence itself. On hearing sound of firing villagers as well as younger brother of the informant arrived, but the accused persons fled away. Thereafter, brother of the informant was admitted to PMCH where he was



declared dead.

It has been submitted on behalf of the petitioner that there is specific allegation against DhiruYadav of causing firearm injuries to the brother of the informant.

The learned A.P.P. during course of argument has pointed out that the informant in paragraph-8, another brother of the deceased in paragraph-12 and wife of the deceased in paragraph-13 of the case diary have levelled specific allegation against the petitioner of making firing on the person of the deceased. The postmortem report is mentioned in paragraph-30 of the case diary wherein doctor has found several firearm injuries on the person of the deceased which caused the death of the deceased. The other witnesses in paragraphs-34, 35, 36, 37 and 38 have also supported the case of the prosecution and levelled specific allegation against the petitioner. The postmortem report shows that several firearm injuries have been found on the person of deceased.

The report has called for from the court below, kept at Flag-‘X’ wherein it has been mentioned that co-accused Dhiru Yadav is still absconding and trial of this accused has been separated after commitment on 17.2.2017. It further appears from paragraph-3 of the bail petition that the petitioner is accused in



four other cases for the offence under Section 302 of the Indian Penal Code.

In such circumstances, this Court is not inclined to grant bail to the petitioner at this stage.

The prayer for bail of the petitioner stands rejected.

However, the petitioner is given liberty to renew his prayer for bail after nine months if no substantive progress is made in the trial.

The Trial Court is directed to expedite the trial.

**(Sanjay Priya, J)**

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