

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43563 of 2017

Arising Out of PS.Case No. -282 Year- 2016 Thana -SAHPUR District- BHOJPUR

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Pappu Yadav Son of Kamla Yadav Resident of Village Saiya, Dera Police
Station- Shahpur, District Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aditya Nath Pandey

For the Opposite Party/s : Mr. Sri Nagendra Prasad

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 27-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 17.11.2016 in
connection with Shahpur (Karnamepur) P.S. Case No. 282 of 2016
for offences punishable under Sections 147, 148, 149, 341, 307,
302 and 120(B) of the Indian Penal Code and 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that while his uncle Lalji Yadav with his son Mantu Yadav was
going on motorcycle and he was also in the market place, he heard
a sound and when he went to the place of occurrence he found the
petitioner along with six persons firing on his uncle on which he
died on the spot. Thereafter other five accused fired on his cousin



brother who also sustained injury.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. It is further submitted that the charges have been framed and the petitioner is languishing in judicial custody for more than one year.

However, learned APP for the State opposes the prayer for bail stating therein that as many as six firearm injuries have been found on the deceased and the petitioner has been named by the injured as also the informant. In this regard, a report was called for regarding the stage of trial of Sessions Trial No. 246 of 2017 in which the court of the Additional Sessions Judge-IIInd, Bhojpur at Ara has stated that out of nine witnesses four has been examined upto now.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Sessions Trial No. 246 of 2017 arising out of Shahpur P.S. Case No.282 of 2016, pending in the court of learned A.D.J. 2nd Bhojpur, Ara.

The application is, accordingly, rejected.

However, the trial court is directed to conclude the trial



within six months. The petitioner may renew his prayer for bail after six months if trial is not concluded by that time.

(Nilu Agrawal, J)

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