

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 24103 of 2018

Arising Out of PS. Case No.-2 Year-2017 Thana- Kajra District- Lakhisarai

Rajo Yadav, Son of Nageshwar Yadav, resident of Village- Punadih, Police Station- Kajra, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Ashok Kumar Singh 1

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 25-04-2018 Heard Sri Manoj Kumar, learned counsel for the petitioner and learned Addl. Public Prosecutor.

This is the 2nd attempt for grant of bail. Recently only on 17-11-2017, the prayer for bail of the petitioner was rejected by this Court, vide Cr. Misc. No. 55282 of 2017. The petitioner is in custody in Kajra P.S. Case No. 02 of 2017 registered for offence under Sections 147, 148, 149, 323, 324, 325 & 307/504 of the Indian Penal Code and subsequently Section 302 of the Indian Penal Code was added as well as under Section 27 of the Arms Act, 1959.

Earlier, while considering the prayer for bail, this Court had examined the material on record, particularly the fact that case was initiated on the basis of 'Dying Declaration'. The *fardbeyan* of injured was recorded, who subsequently died and



in his *fardbeyan*, the injured/deceased had categorically stated regarding participation of accused persons including the petitioner.

At the earlier stage also, the plea of parity was taken and it was argued that one of the accused, almost in similar circumstance, was granted bail, whereas, learned counsel for the informant on the last occasion had pointed out that other two accused persons, having similar allegation, were denied the prayer for bail and thereafter, this Court by assigning detailed reason had rejected the prayer for bail of the petitioner. Now, a plea has been taken by Sri Manoj Kumar, learned counsel for the petitioner that after rejection of prayer for bail of this petitioner, number of other accused persons in similar circumstances, have been extended the privilege of bail.

Be that as it may, since on merit, considering the accusation, the prayer for bail of the petitioner has already been rejected, vide Annexure – 1 to the petition, without any change in circumstances, there is no reason to entertain the present petition.

A prayer is being made by learned counsel for the petitioner that while rejecting, this Court may record some observation. He submits that in the case, despite the fact that



charge has already been framed, prosecution has not examined any witness.

While dismissing, considering the fact that petitioner is in custody since 28-02-2017 and charge has already been framed, it is necessary to observe that learned trial court as well as prosecution may take appropriate step so that the case may come to its logical end without unnecessary delay.

With above observation, the prayer for bail again stands dismissed.

(Rakesh Kumar, J.)

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