

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48213 of 2018

Arising Out of PS. Case No.-106 Year-2016 Thana- CHIKSAUR District- Nalanda

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Raja Yadav, Son of Late Ram Udit Singh, Resident of Village- Naugarh, P.S.-
Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Sri Shashank Chandra, Adv.

For the Opposite Party/s : Sri Anuj Kumar Srivastava, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 18-08-2018 Heard Sri Shashank Chandra, learned counsel for the

petitioner and Sri Anuj Kumar Srivastava, learned Additional

Public Prosecutor.

The sole petitioner, who is in custody since
02.11.2016 , has prayed for grant of bail in connection with
Sessions Trial No. 182 of 2017 [arising out of Chiksaur P.S.
Case No. 106 of 2016], registered for the offence under
Section 302 and other allied Sections of the Indian Penal Code,
1860.

Sri Shashank Chandra, learned counsel for the
petitioner has strenuously argued that of- course the case has
been initiated as if deceased while in injured condition was
being carried to hospital he disclosed regarding involvement of
the petitioner and others, but his dying declaration was not



recorded in accordance with law since neither there is certificate of doctor nor any other appropriate witness has come forward. He further submits that even during trial witnesses have not consistently supported the prosecution case. On aforesaid grounds a prayer has been made for granting bail.

Learned Additional Public Prosecutor has drawn my attention to the statement made in paragraph - 3 of the petition to show that petitioner is habitual offender and at least in three cases relating to serious offences he was already accused.

Besides hearing, I have also examined the materials available on record. Fact remains that trial is going on. The Court is of the opinion that since trial has commenced, there is no reason to entertain the prayer for bail.

The petition stands dismissed.

(Rakesh Kumar, J)

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