

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48226 of 2017

Arising Out of PS. Case No.-158 Year-2014 Thana- WAJIRGANJ District- Gaya

Satyendra Yadav @ Satyendra Prasad Yadav Son of Chando Yadav Resident
of village- Matasho Tola Kharhara, Police Station- Fatehpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. MD. ANSARUL HAQUE

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 07-02-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in Wazirganj P.S. Case No. 158
of 2014 instituted for the offence under Sections 147, 148, 149
and 302 of the Indian Penal Code.

Earlier the bail applications of the petitioner were rejected
vide Annexure-1 and 1/A taking into account that there was
specific allegation of overt act alleged against the petitioner.

A report was called for from the Court below regarding the
stage of the trial. It has been reported that out of 10 prosecution
witnesses, four have already been examined and within six
months, the trial is expected to be concluded.

By order dated 20.07.2016 passed in Cr. Misc. No. 29076
of 2016, the Court had directed to conclude the trial preferably



within a period of one year from the date of receipt/production of a copy of this order. In spite of the aforesaid direction, the trial has not yet been concluded.

As far as the facts of the case are concerned, as per the prosecution case, the petitioner is said to have armed with a fire arms and in course of occurrence, he is said to have used the butt of the said fire arms. Due to said act of the petitioner, lacerated wound was created on the head of the deceased.

Admittedly, there is no allegation of use of fire arms in course of occurrence by the petitioner nor there is any injury of fire arms in the post mortem report. It has been submitted on behalf of the petitioner that at best, the intention of the petitioner could have been to cause grievous injury but definitely there was no intention to cause death of the deceased.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R. and specific overt act has been alleged against him.

Considering the fact that in spite of direction of the Court, the trial has not been concluded yet and also from the facts discussed herein above that the petitioner has not used the fire arms in course of the occurrence for causing injury upon the deceased, let the petitioner above named be released on bail on



furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-7th Gaya in connection with Sessions Trial No. 230 of 2016 (arising out of Wazirganj P.S. Case No. 158 of 2014).

(Sudhir Singh, J)

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