

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4606 of 2018

Arising Out of PS. Case No.-271 Year-2014 Thana- KHAJEKALLAN District- Patna

Bablu Gope @ Bablu Yadav S/o Late Kheladi Rai @ Kheladi Yadav @ Shiv
Basant Yadav, R/o Village- Mitan Ghat, P.S.- Khajekalan, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. Kanhaiya Kishore

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

7 24-05-2018 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner seeks bail in connection with Khajekalan
P.S. Case no. 271 of 2014 registered under Sections 147, 148,
149, 324, 307, 379, 302, 120(B) of the Indian Penal Code and
Section 27 of Arms Act.

The petitioner along with five other accused
persons are said to have gunned down husband of the informant
intruding into his straw house.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. The
petitioner is quite innocent and has no concern with the
aforesaid occurrence. He has been falsely implicated in this case
by the informant due to animosity which is explicit from the



fact that brother of the petitioner, namely, Chottu Yadav was in the incarceration in connection with Hajipur R.P.F. Case no. 2451 of 2014, but despite that he was made accused in the aforesaid case as assailant of the deceased and he has been granted bail by the learned court below on the aforesaid ground. The petitioner has been languishing in custody since 07.05.2016

On the other hand, learned APP for the State vehemently opposed the bail prayer of the petitioner and submitted that there is direct allegation of assaulting the deceased by means of fire arm against the petitioner as well and doctor conducting autopsy of the cadaver of the deceased has found six wound on the person of the deceased which matches with the assailant, hence petitioner does not deserve bail.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer is rejected.

However, learned trial court is directed to conclude trial as expeditiously as possible preferably within six months from the date of receipt/production of a copy of this order.

(Prakash Chandra Jaiswal, J)

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