

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14702 of 2018

Arising Out of PS.Case No. -7 Year- 2017 Thana -BARH District- PATNA

1. Arvind Yadav, S/o Chandeshwar Yadav, R/o Village- Jalalpur, P.S.- Belchhi, District- Patna.
2. Viveka Yadav @ Viveka Nand Kumar S/o Mauli Yadav @ Chandra Mauli Yadav, R/o Village- Tilhar, P.S.- Belchhi, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Premchandra Yadav, Adv

For the Opposite Party/s : Mr. Sri Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 26-04-2018

Heard learned counsel for the petitioners and

learned APP for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 302, 34 of the Indian Penal Code and 27 of Arms Act.

The petitioner and others allegedly encircled the husband of the informant and made indiscriminate firing from their respective pistols causing injury and death.

Learned counsel for the petitioner submits that petitioner-Viveka Yadav @ Viveka Nand Kumar is a witness in a murder case, wherein the deceased was an accused and just to pressurize not to depose in the case, false allegation and false implication is there. In fact, there is



no witness of the occurrence and the deceased might have been murdered during his criminal activity, as he has got criminal antecedent, referred in paragraph-8 of the bail petition. Petitioners are in custody since 30.08.2017 and 12.09.2017 respectively. Investigation of the case is already complete.

Learned counsel for the informant referred to the case diary and submits that other eye witnesses have also supported the allegation. Even if they are relations and family members, it cannot be looked into at this stage. Moreover, the postmortem report would reveal that injured sustained multiple firearm injury.

Considering the entire facts aforesaid, I am not inclined to enlarge the petitioners on bail for the present in connection with Barh Police Station Case No. 07 of 2017 pending in the court of learned A.C.J.M., Barh, Patna/successor court.

Hence, prayer for bail is refused.

The learned trial court is directed to expedite the trial and conclude the same within nine months without allowing any unnecessary adjournments to any of the parties on any ground from the date of receipt/production of a copy of this order. If the trial is not concluded within the aforesaid period, the petitioners would be at liberty to renew their



prayer for bail before the learned trial court itself.

(Birendra Kumar, J)

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