

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.60734 of 2017

Arising Out of PS.Case No. -37 Year- 2015 Thana -JAYNAGAR District- MADHUBANI

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Anil Yadav @ Anil Kumar Yadav, son of Sri Yogendra Yadav, resident of
Village- Dorwar, Police Station- Jainagar, District- Madhubani.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Bijay Bhushan Prasad, Advocate.

For the Opposite Party : Mr. Shyam Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 23-04-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
23.03.2015 in a case registered for the offence under Sections 147,
148, 149, 341, 323, 324, 307, 302 of the IPC and 27(3) of the
Arms Act.

It is alleged by the informant that on 06.03.2015 at 6.00
P.M. scuffle took place between Sanda Yadav, Ram Kumar Yadav
and Digamber Yadav, Vishwambhar Yadav. Sanda Yadav and
Ram Kumar Yadav are residents of his village. At 6.00 P.M. after
scuffle, his uncle Sonfil Yadav went to bring Tobacco from the
shop of Om Prakash Yadav and in the meantime, Digambar Yadav
with gun and Ram Kumar Yadav with Lathi assaulted to his uncle



on head. On hulla, the informant's father, Chalitar Yadav, went there to pacify the matter. Thereafter, accused Digambar Yadav killed his father by gun shot and co-accused persons also killed his uncle Sonfil Yadav by gun shot and Ram Kumar Yadav, Om Prakash Yadav broke his hand by *Lathi* and petitioner also assaulted with *Farsa* on his head, due to injury, Chalitar Yadav and Sonfil Yadav died on the spot.

This is fourth attempt on behalf of the petitioner for grant of bail.

Earlier bail application of the petitioner was rejected vide Cr. Misc. No. 39444/2015 dated 15.10.2015, Cr. Misc. No. 33798/2016 dated 28.09.2016 which are annexed to the supplementary affidavit as Annexure 5 series and Cr. Misc. No. 20381/2017 dated 17.05.2017 annexed to the main bail application, taking into account that it was a double murder case. The petitioner had assaulted the deceased and the informant.

A report was called for from the court below regarding the stage of the case. It has been reported that 10 witnesses have been examined and two witnesses on facts and the I.O. are yet to be examined. It is further submitted that within a period of 3-4 months, the trial will be concluded.

Considering the nature of allegation and the stage of the



case, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Jainagar P.S. Case No. 37/15, S.T. No. 67/2016, pending in the court of learned Fast Track Court-Ist, Madhubani.

The court below is directed to take all necessary steps to conclude the trial within a period of four months from the date of receipt/production of copy of this order.

The District Magistrate, Madhubani and the Superintendent of Police, Madhubani are directed to ensure that the prosecution witnesses are produced on the date fixed by the court below so that the trial could be concluded within the stipulated period.

Let a copy of this order be communicated to the District Magistrate, Madhubani and the Superintendent of Police, Madhubani.

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(Sudhir Singh, J)

