

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4725 of 2019

Arising Out of PS. Case No.-33 Year-2018 Thana- BIHARIGANJ District- Madhepura

Abhay Kumar Yadav S/o Bhimnarayan Yadav resident of village-
Kushthan,P.S-Bihariganj, Distt.-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Singh

For the Opposite Party/s : Mr.Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 22-04-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case initially registered under Sections 323, 341, 307, 120(B), 504, 506/34 of the Indian Penal Code and 27 of the Arms Act and later on Section 302 was also added.

The prosecution case, in brief, is that in the backdrop of construction of drainage, the petitioner is alleged to have fired at the father of the informant, who subsequently succumbed to the injuries.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is in custody since 12-10-2018. Charge sheet has



already been submitted. The petitioner has been falsely implicated in the present case. The alleged time of occurrence is said to be occurred at 1.45 a.m. The source of identification has not been disclosed by the prosecution. The manner of occurrence appears to be doubtful.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R. He is alleged to have fired upon the deceased, which led to his death.

Considering facts and circumstances, I am not inclined to grant bail to the petitioner. Accordingly, prayer for bail of the petitioner in connection with Bihariganj P.S. Case No. 33 of 2018 is rejected.

The trial court is directed to expedite the trial and conclude the same as early as possible, preferably within a period of one year from the date of receipt/production of copy of this order.

(Sudhir Singh, J)

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