

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21552 of 2019**

Arising Out of PS. Case No.-282 Year-2016 Thana- SAHPUR District- Bhojpur

Rajesh Yadav @ Kariya Yadav Son of Shiv Deni Yadav @ Sheo Devi Yadav  
Resident of Village/Mohalla-Madhopur, P.S-Shahpur, District-Bhojpur at Ara  
(Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate.  
Mr. Abhay Kumar Pandey, Advocate.  
For the Opposite Party/s : Mr. Md. Mushtaque Alam

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

5      20-08-2019                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner seeks bail in a case registered under  
Sections 147, 148, 149, 341, 307, 302, 120(B) of the Indian  
Penal Code and 27 of the Arms Act.

The prosecution case, in brief, is that while the uncle of  
the informant with his son was going on a motorcycle, the  
accused persons shot at his uncle, as a result of which, he  
succumbed to the injuries. It is also alleged that the son of the  
deceased also received fire-arms injury.

It has been submitted on behalf of the petitioner that  
there is no allegation of tampering of witnesses alleged against  
the petitioner. The petitioner is in custody since 09-10-2018.



Charge sheet has already been submitted. The petitioner has been falsely implicated in the present case. Four persons are said to have fired upon the deceased. No specific injury is attributed against the petitioner. General and omnibus allegation has been made against the petitioner. The informant is not an eye witness to the alleged occurrence. The other co-accused with similar allegation has been granted bail by a coordinate bench of this court by order dated 01-08-2019 passed in Cr. Misc. No. 40971 of 2019.

A report was called for from the court below, which has been received. In the report, it has been reported that the trial is likely to be disposed of within a period of one and half years.

On behalf of the State and the informant, it is submitted that the petitioner is named in the Complaint Case/F.I.R. The informant is an eye witness to the alleged occurrence. Four persons including the petitioner are said to have made indiscriminate firing upon the deceased. The postmortem report corroborates the allegation made in the FIR. The petitioner is one of the assailants. The son of the deceased is also said to have sustained injury in course of occurrence. His statement has been recorded in paragraph-63 of the case diary. He is also an eye witness to the alleged occurrence. He has also stated that at



the time of occurrence, the petitioner along with other accused persons had fired. So far grant of bail to other accused persons is concerned, the consideration does not find support fully from the materials available on record. The considerations were taken that the 7 accused persons are said to have fired, the trial is going on at a very slow pace and further, that the petitioner has remained in custody for one year and nine months. Counsel for the State further submits that allegation of firing is only against four persons including the petitioner and not against 7 persons. Since the petitioner is one of the assailants, it would not be proper to grant bail to the petitioner.

Considering the nature of accusation, I am not inclined to grant bail to the petitioner. Accordingly, prayer for bail of the petitioner in connection with Shahpur P.S. Case No. 282 (Karnamepur) of 2016 is rejected.

The trial court is directed to take all possible steps to expedite the trial and conclude the same, preferably within a period of nine months from the date of receipt/production of copy of this order.

**(Sudhir Singh, J)**

A.K.V.//-

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