

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27090 of 2019**

Arising Out of PS. Case No.-376 Year-2018 Thana- UDAKISHUNGANJ District-
Madhepura

Amit Kumar @ Amit Kumar Yadav @ Amit Yadav S/o Shobha Kant Yadav @
Shoman Yadav Resident of Village- Laskari, P.S.- Uda- Kishunganj, District-
Madhepura. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar Jha, Advocate

For the Opposite Party/s : Mr.Kalyan Shankar, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 14-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner who is in custody since 19.12.2018 has
filed the instant application for grant of bail in connection with
Uda-Kishunganj P.S. Case as No. 376 of 2018 registered for the
offence punishable under sections 302,379 and 34 of the Indian
Penal Code and section 27 of the Arms Act.

As per the allegation in the FIR, the petitioner along
with others are said to have fired on the husband of the
informant as a result of which he died.

It is submitted by learned counsel for the petitioner
that admittedly the informant is not an eye-witness to the
occurrence, Akhilesh Yadav who is an eye witness as per the
FIR neither in course of investigation nor in course of trial has
named this petitioner as an assailant, the injury found in the
postmortem report are directly attributable to Basant Yadav and



even the other eye witness whose statement has been recorded in paragraphs 7, 8 and 9 of the case diary do not name the petitioner. It has been submitted that however, subsequently in paragraph 22 of the case diary and onward, some witnesses have named the petitioner. The petitioner is in custody since 19.12.2018.

The learned APP for the State as also learned counsel for the informed opposed the application for bail submitting that the petitioner is one of the assailant of the deceased. The trial in the case has proceeded and six prosecution witnesses have been examined in Sessions Trial 88 of 2019 pending in the Court of learned Additional District and Sessions Judge III, Madhepura.

Having heard learned counsel for the parties and taking into consideration the fact that the trial in the case has proceeded, the Court is not inclined to enlarge the petitioner on bail. However, the learned Court below is directed to expedite the trial and conclude the same expeditiously, preferably within a period of six months from the date of receipt of a copy of this order.

(Partha Sarthy, J)

Prakash/-

U		T	
---	--	---	--

