

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45718 of 2019

Arising Out of PS. Case No.-186 Year-2017 Thana- NAUGACHIA District- Bhagalpur

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VIJAY YADAV Son of Late Suresh Yadav Resident of Village-Rasalpur, P.S.-
Naugachia, District-Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

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

The petitioner seeks bail in Naugachia P.S. Case No.
186/2017, instituted for offence under Sections 147, 148, 149,
302 and 120(B) of the IPC read with Section 27 of Arms Act.

Earlier prayer for bail of petitioner was rejected by
this Court vide order dated 10.10.2018 passed in Cr. Misc. No.
56776/2018 on merit after considering all the facts, as
mentioned in the aforesaid order.

It is alleged in the written report that on the date of
occurrence, this petitioner and other accused persons
surrounded the informant and his brother. It is further alleged
that Abhishek Raman @ T.N. Yadav fired with pistol on brother
of informant. The brother of informant ran away towards



orchard in order to save his life after receiving gun shot injury. It is further alleged that this petitioner along with other accused persons followed him making indiscriminate firing on account of which brother of informant had sustained several injuries and died on the spot.

Report from the court below regarding present stage of trial has been received from which it appears that case has not been committed to the court of Sessions on account of non-appearance of one of the accused.

Therefore, there is no laches on the part of trial court.

Learned counsel for petitioner has submitted that one of the co-accused has already been granted bail by the court below vide order dated 22.02.2018 passed in Bail Application No. 45/2018.

This Court finds that all those submissions have already been considered by this Court in the earlier order dated 10.10.2018 passed in Cr. Misc. No. 56776/2018.

Accordingly, the bail petition of petitioner is again rejected.

The trial court is directed to commit the case to the court of Sessions within 15 days from the date of receipt/production of copy of this order.



The trial court will expedite the trial and will make efforts to conclude the same within a period of nine months from the date of receipt/production of copy of this order and send compliance report.

The petitioner will be at liberty to renew prayer for bail in the event trial is not concluded within aforesaid period.

(Sanjay Priya, J)

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