

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4467 of 2020

Arising Out of PS. Case No.-56 Year-2019 Thana- LAKHISARAI District- Lakhisarai

Subhas Yadav, Son of charitra Yadav @ Chlitr Yadav R/o - Bhamariya, P.S.-
Ramgarh Chock, Distt- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate
		Mr. Amresh Kumar Sinha, Advocate
For the Opposite Party/s :		Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 02-11-2020 Heard Mr. N.K. Agarwal, learned Senior Advocate for the petitioner and Mr. Md. Aslam Ansari, learned APP for the State.

The petitioner seeks bail in connection with Lakhisarai (Ramgarh Chowck) P.S. Case No. 56 of 2019 dated 18.01.2019 which initially was instituted for the offences under Sections 341, 323, 324, 326, 307, 120B and 34 of the Indian Penal Code but later with the death of the deceased Section 302 IPC was added.

This Court notices that the averments made in paragraph-3 of the petition regarding the antecedent is very vague. Nonetheless, according to the FIR, it has been alleged by the deceased that while he was cutting grass, all the accused persons including the petitioner, variously armed, came and attacked him. Different



persons are said to have assaulted the informant/deceased with different weapons but the petitioner is said to have assaulted him by means of a weapon on his leg causing injury. One Rajesh Kumar Yadav is said to have assaulted the deceased on his head.

Learned Senior Advocate for the petitioner has submitted that the allegations are general and omnibus and it cannot be said with certainty as to who is the author of the fatal injury. Apart from this, it has been submitted that the petitioner was not present at the place on the date of the occurrence and the possibility of falsely implicating the petitioner cannot be ruled out.

Perused the post-mortem report as well.

Having regard to the nature of accusation against the petitioner, I am not inclined to grant bail to him despite the fact that the petitioner appears to have been remanded in judicial custody on 14.07.2019 in this case.

The prayer for bail is rejected.

However, keeping in mind that the petitioner is in custody for a long time, this Court directs that the trial of the case be expedited and concluded within a period of one year from the date of receipt/production of a copy of this order. If there is no substantial progress in



the trial and which would not be attributable to the petitioner, he would be at liberty to approach the trial court and seek bail. In that event, the trial court would be required to state reasons for the tardy progress of the trial.

The petition stands disposed of with the aforesaid observation.

(Ashutosh Kumar, J)

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