

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17063 of 2020

Arising Out of PS. Case No.-278 Year-2017 Thana- SHERGHATI District- Gaya

DINESH YADAV S/o Karu Yadav Resident of Village-Beldih, Police Station-
Sherghatti, District-Gaya (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 04-12-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel appearing for the petitioner and learned A.P.P. for the State.

The present petition is by way of third attempt at the behest of the petitioner for grant of regular bail in connection with Sessions Trial No. 98 of 2017/ 571 of 2017 arising out of Sherghatti P.S. Case No. 278 of 2017 for the offence punishable under Sections 147, 148, 149, 325, 307 and 302 of the Indian Penal Code inasmuch as the earlier prayer of the petitioner for grant of bail was rejected vide order dated 28.06.2018 passed in Criminal Misc. No. 21613 of 2018 and vide order dated



28.08.2019 passed in Criminal Misc. No. 42342 of 2019.

The allegation is regarding the accused persons including the petitioner herein having assaulted the father of the informant resulting in his death.

The learned counsel for the petitioner has submitted that the petitioner is languishing in custody since 01.06.2017 and there is no progress at all in the ongoing trial, hence the petitioner be released on bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and perused the report dated 05.11.2020 submitted by the Additional District & Sessions Judge-XI/ at present A.D.J-III, Gaya, who has submitted that total four witnesses have been examined on behalf of the prosecution and the case is pending for examination of the rest of the witnesses against whom process has already been issued. It has also been stated in the said report dated 05.11.2020 that the Sessions Trial is likely to be concluded within a period of six months time.

At this juncture, this Court deems it fit and proper to reproduce the finding recorded by it in its order dated 28.06.2018 passed in Criminal Misc. No. 21613 of 2018 herein



below:-

“ I have perused the materials on record as also the case diary and I find that the informant of this case who is son of the deceased has supported the factum of the accused persons including the petitioner, who has carrying tangi, having assaulted the informant leading to his death.”

Having heard the learned counsel for the parties and having perused the materials on record, this Court finds that neither any change in circumstance has been pleaded nor has been brought to the notice of this Court so as to warrant re-consideration of the prayer of the petitioner for grant of bail, hence no fresh ground has been made out for consideration of the prayer of the petitioner for grant of bail again, which has already been rejected twice before.

Thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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