

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23518 of 2020

Arising Out of PS. Case No.-530 Year-2018 Thana- KHAGARIA District- Khagaria

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MITHILESH YADAV @ MITHU YADAV Son of Bechan Yadav Resident of
Village - Kumharchakki, P.S.- Muffasil, Distt.-Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Viveka Nand singh
For the Opposite Party/s : Mr. Nawal Kishore Pd.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 15-09-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner and learned APP for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in Khagaria (Muffasil) P. S.



Case No.530 of 2018 instituted for the offence under Section(s) 302, 130B/34 of the Indian Penal Code and Sections 25(1-B)(a), 26 and 27 of the Arms Act.

The prosecution case alleges killing of the informant's sister and two children by the petitioner (husband) and his family members at her matrimonial home by means of firearm.

Learned counsel for petitioner submits that though occurrence gives a very bad picture, the petitioner is victim of false implication. Even if the allegations are taken to be true then the killing is at the spur of the moment based on certain factor which have appeared in the investigation also. Therefore, it cannot be said to be a case under Section 302 of the I.P.C.

The learned APP has opposed the prayer for bail. It is submitted that the firearms used in the killings have also been recovered. The petitioner is husband living in the matrimonial home.

Considering the rival submission, this Court, for the present, is not inclined to allow the petitioner's prayer for bail.

Having regard to the period of custody since 06.08.2018, this Court would observe that the Trial Court would proceed with the trial expeditiously and without any undue delay/adjournment.



Prayer is rejected.

(Madhuresh Prasad, J)

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