

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40179 of 2019

Arising Out of PS. Case No.-68 Year-2018 Thana- SARMERA District- Nalanda

RAJ KUMAR YADAV Son of Sukhdeo Yadav Resident of Banshi Bigaha
(Mohanpur), P.S.- Sarmera, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Prasad

For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 05-02-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

The instant petition is by way of second attempt at the behest of the petitioner, who seeks regular bail in connection with Sarmera PS case no. 68 of 2018 instituted for the offence punishable under Sections 341, 323, 307, 302, 337, 338, 427 of Indian Penal Code, inasmuch as the earlier petition of the petitioner for grant of regular bail was dismissed by an order dated 09.01.2019 passed in Cr. Misc. no. 69055 of 2018.

The allegation of the prosecution is that the petitioner herein along with two other accused persons had assaulted the father of the informant resulting in injury to the father of the informant and his subsequent death.

The learned counsel for the petitioner has



submitted that the petitioner is languishing in custody since 28.05.2018 and there is no progress in the trial.

I have heard the learned counsel for the parties and perused the materials on record. This Court had called for a report from the learned trial court with regard to the stage of the trial and likely time to be consumed in completion of the trial. A report dated 31.07.2019 has been sent by the Additional District and Sessions Judge 3rd-cum- Special Judge, Excise, Nalanda at Biharsharif, wherein it has been stated that charges have already been framed on 07.03.2019 against the accused persons and it has been ordered to issue summons against the prosecution witnesses, whereafter summons have also been issued and if both the parties cooperate in the trial, the same is likely to be concluded within one year.

This Court further finds that the assault made on the father of the informant by the petitioner and other accused persons are serious in nature resulting in the death of the father of the informant which is a grave and serious crime, hence this Court is of the view that no leniency can be shown to the petitioner herein. This Court further finds that the learned counsel for the petitioner has failed to show any change in circumstance from the date, the earlier prayer of the petitioner for grant of regular bail was rejected vide order dated 09.01.2019, till date, hence considering the gravity of the offence committed by



the petitioner and seriousness of the allegations levelled against
the petitioner herein, I do not find any merit in the present petition,
hence the same stands dismissed.

(Mohit Kumar Shah, J)

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