

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49902 of 2019**

Arising Out of PS. Case No.-108 Year-2017 Thana- KAKO District- Jehanabad

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UMESH YADAV Son of Ramanand Yadav Resident of Village- Chandraura,
Tola Mohan Bigha, P.S.- Kako, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Bhardwaj

For the Opposite Party/s : Mr.Bhanu Pratap Singh

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

5 02-03-2020

Heard the parties.

This application is for grant of regular bail in connection with Kako Ps Case No.108 of 2017 for the offences under Sections 147, 148, 149, 307,341, 326, 302 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

As per the FIR, there is specific allegation against this petitioner and other accused persons of assault by *lathi* and *rod*.

Submission of the learned counsel for the petitioner is that after investigation, final form was submitted against this petitioner but the learned Magistrate differing with the investigation report, took cognizance against him. It is further submitted that as per the FIR, no case is made out under Section 302 of the IPC as no dangerous weapon has been used



though the accused persons were armed with fire arms.
Petitioner is in custody for about nine months.

Heard learned A.P.P. and the learned counsel for the informant, who has opposed the prayer for bail on the ground that there is specific allegation against this petitioner of assault and now the case has been committed to the court of session.

Having heard both sides and in view of submissions as made above, at this stage, I am not inclined to grant bail to the petitioner, however, the learned trial court is directed to expedite the trial in this case and needless to say that the petitioner has to co-operate in disposal of the trial and if the trial is not concluded within a period of seven months, the petitioner is at liberty to renew his prayer for bail.

Accordingly, this application is dismissed.

(Vinod Kumar Sinha, J)

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