

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59877 of 2019**

Arising Out of PS. Case No.-20 Year-2017 Thana- BIHIA District- Bhojpur

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ANIL YADAV @ ANIL KUMAR SINGH Son of Mahavir Yadav Resident of
Village-Maniyara, P.S.-Tiyar, District-Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Ram Naresh Ray

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

8 10-07-2020 The Court proceeding has been conducted through
virtual mode.

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

The petitioner has renewed his prayer for bail for the
third time in a case registered for the offences punishable under
Sections 147, 148, 149, 341, 307 and 120B of the IPC and
Section 27 of the Arms Act.

The prosecution case as per the written report of



Chowkidar Kashi Nath Yadav submitted to the Station House Officer, Bihiya Police Station, is to the effect that on 20.1.2017 at 11.00 A.M., the informant was on duty, in the meantime, seven accused persons and 4-5 unknown from one side and eight persons from the other side came and both sides were resorting to fire on each other. The informant saw after some time that Arjun Ram has received gun shot injury on his chest. Thereafter, the Officer-In-Charge of the police station was informed and the injured was taken to Bihiya hospital. The used cartridges were recovered from the place of firing.

It is submitted by learned counsel for the petitioner that the accusation is omnibus and general and other accused persons have been granted bail. Though the petitioner's prayer for bail was rejected initially vide order dated 30.08.2017, passed in Cr. Misc. No. 26805 of 2017 and subsequently vide order dated 23.01.2019 passed in Cr. Misc. No. 53091 of 2018, but thereafter the petitioner was granted bail by the learned ACJM, Bhojpur at Ara vide order dated 18.10.2017 provisionally on the ground of illness and it was extended up to 31.7.2018 and thereafter it was cancelled vide order dated 31.7.2018 and on the same day, the petitioner was taken into custody.



Thereafter, the second time, the petitioner moved this Court with a prayer for bail which was rejected.

Learned counsel for the State submits that the petitioner and one Vikash Yadav were granted bail by the learned ACJM and Vikash Yadav is still absconding, hence, the trial has been obstructed.

It appears that though the petitioner was in custody since 17.3.2017 but he was on provisional bail granted by the learned court below for nine months.

Considering the fact that the petitioner's prayer for bail was rejected initially on 30.08.2017, vide Cr. Misc. No. 26805 of 2017 along with co-accused Vikash Yadav and immediately thereafter without considering the fact that petitioner's prayer for bail was rejected by a bench of this Court, vide order dated 18.10.2017, granted provisional bail to the petitioner, on medical ground which reflects the casual approach of the learned court concerned, on this ground alone, this Court is not inclined to grant bail to the petitioner.

Prayer of the petitioner for bail in connection with Bihiya P.S. Case No. 20 of 2017 pending in the Court of learned Additional District and Sessions Judge-XV, Bhojpur at Ara is rejected. However, the petitioner is at liberty to renew his



prayer for bail if the trial is not concluded within four months.

Let the lower Court records be sent back.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

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