

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73701 of 2019

Arising Out of PS. Case No.-25 Year-2003 Thana- GURUA District- Gaya

UPENDRA YADAV Son of Raja Ram Yadav Resident of Village - Kathwara,
P.S.- Gurua, District - Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kumar Sinha, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 04-06-2020 The matter has been taken up through virtual Court proceeding.

Heard.

The petitioner is languishing in custody since 13.08.2019 in a case registered for the offences punishable under Sections 147, 148, 149, 323, 307 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case as per the written report of Ram Briksh Yadav submitted before the S.H.O., Gurua Police Station is to the effect that he was returning to his house after attending some invitation. In the meantime, nine accused persons, surrounded the informant and assaulted. It is alleged that the petitioner and co-accused Rajendra Yadav fired with pistol which caused injury to Mundrika Yadav and Sanjay



Yadav.

It is submitted by learned counsel for the petitioner that the case was registered in the year 2003, but the petitioner has been arrested on 13.08.2019. Though two fire arm injury has been found caused on the leg, but non-fatal part of the body and the investigation has already been concluded.

Learned counsel for the State submits that the petitioner has been arrested after 16 years of institution of the FIR.

Considering fact that the petitioner has been arrested after 16 years of institution of the FIR when he is a named accused in the FIR, this Court is not inclined to grant bail to the petitioner for the present.

Accordingly, the prayer for bail of the petitioner in connection with Gurua P.S. Case No.25 of 2003, pending before the learned Judicial Magistrate, Sherghati, Gaya is rejected.

However, it is expected from the trial Court to expedite the trial. The petitioner is at liberty to renew his prayer for bail after framing of the charge.

(Dinesh Kumar Singh, J)

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