

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74923 of 2019

Arising Out of PS. Case No.-176 Year-2018 Thana- GARDANIBAG District- Patna

DILIP YADAV @ DILIP KUMAR, S/o- Late Niranjana Prasad R/v-
Balamichak, P.S.- Phulwarisharif, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 01-09-2020 The court proceeding has been conducted through
virtual mode.

Heard Mr. P.K. Shahi, learned Sr. Counsel for the
petitioner and Mr. J.N. Thakur, learned APP for the State.

The petitioner has renewed his prayer for bail in a
case registered for the offences punishable under Sections 302
and 120B of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the fardbeyan of
Ranjeet Yadav, recorded by S.I., D.K. Singh on 12.05.2018 at
about 10.30 A.M. at P.M.C.H., is to the effect that on
11.05.2018, the informant along with his cousin brother Dina
Nath Yadav and relative Raju Yadav and Vijay Yadav went to
attend a marriage ceremony at Beur. During some scuffle
between the parties, one of the friends of the informant, namely



Rajan received injuries on his finger. Consequently, the injured was taken to Aman Nursing Home where the informant was talking to his cousin brother and the relatives, in the meantime, all the accused persons including the petitioner came and started making indiscriminate firing by pistol and country made pistol, as a result, the cousin brothers and relatives of the informant got badly injured. However, the informant hid himself, as a result, he did not receive any injury, but he saw the alleged occurrence. Subsequently, the cousin brother of the informant, Dina Nath Yadav was taken to P.M.C.H., where he was declared dead.

It is submitted by learned Sr. Counsel for the petitioner that as per the informant, the place of occurrence is the premises of Aman Nursing Home whereas during investigation, the place of occurrence has been found as the south flank of Anishabad – Khagaul road in front of the house of Ramjee, the elder brother of the informant. On the alleged date of occurrence, the petitioner was not present on the place of occurrence as he went to attend the ring ceremony of the daughter of his business partner, Prem Rai and thereafter went to attend the marriage of one Chandan Kumar as has been suggested by several witnesses, during investigation. Learned



Sr. counsel for the petitioner further submits that the petitioner's earlier prayer for bail was rejected vide order dated 21.01.2019, passed in Cr. Misc. No. 75986 of 2018, whereby the learned trial court was directed to conclude the trial preferably within a period of nine months from the date of receipt/production of a copy of the order and the petitioner was given liberty to renew prayer for bail if the trial is not concluded within a period of nine months, but virtually till date, the trial has even not been commenced. The petitioner is languishing in custody since 15.05.2018 and in the present prevalent situation, created due to pandemic, Covid-19, since the court proceeding is not functional in physical mode, there is no likelihood of trial being concluded in near future. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that on conclusion of investigation, the petitioner has been chargesheeted.

Considering the fact that there is specific accusation of firing by the petitioner and other co-accused persons, the report of the learned trial court dated 20.12.2019, at flag-'Y' to the effect that the charges have not been framed due to delaying tactics of defence. The informant and two injured



namely, Vijay Yadav and Raju Yadav are eye witness who have specifically named the petitioner as one of the assailants. Moreover, paragraph no.5 of the case diary suggests that Aman Hospital is adjacent North to the place of occurrence, this Court is not inclined to revise the earlier order.

Accordingly, the prayer for bail of the petitioner, in connection with Gardanibagh P.S. Case No. 176 of 2018 pending in the Court of learned Fast Track Court-I, Patna is rejected.

However, if the trial is not concluded within a period of six months of resumption of court proceeding in physical mode, the petitioner will be at liberty to renew his prayer for bail.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

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