

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76149 of 2019

Arising Out of PS. Case No.-342 Year-2016 Thana- BELHAR District- Banka

NEPALI YADAV Son of Late Gurucharan Yadav Resident of Village - Bela,
P.S.- Belhar, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 09-09-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of Virtual Court proceeding.

The matter has been listed under the heading 'For
Orders' under the orders of Hon'ble the Chief Justice.

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

The petitioner seeks bail in Belhar P.S. Case No. 342
of 2016 instituted for the offences under Sections 302/34 of the
Indian Penal Code.

The prosecution case in short is that while the
informant along with his uncle and Dilip Yadav was going to
visit a fair, the accused persons, variously armed, came and fired
due to which they all fled away. The informant suspects that the
accused persons including the petitioner had killed Dilip Yadav.



It has been submitted on behalf of the petitioner that the petitioner is in custody since 10.12.2018. There is no allegation of tampering of witnesses alleged against the petitioner. Charge-sheet has been submitted in the present case. The petitioner has been named in the F.I.R. due to previous enmity with the informant. Number of cases are pending between them. The deceased died due to another incident. The prosecution taking advantage of the same, said to have implicated the petitioner in the present case. The informant claims to be the eye witness of the occurrence. The occurrence is said to have taken place at 12.30 a.m. at night in a remote area. The source of identification has not been disclosed by the prosecution which doubts the entire prosecution case. The post-mortem report indicates the time of death of the deceased to be 14-20 hours. This suggests that the death had taken place much prior to the time of occurrence as indicated in the F.I.R.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. The specific allegation has been made against the petitioner for causing fire arm injury upon the deceased. The post-mortem report corroborates with the allegations made in the F.I.R.. The petitioner is alleged to be the assailant.



Considering the same, I am not inclined to grant bail to the petitioner. The prayer is rejected. The Trial Court is directed to take all necessary steps to conclude the trial preferably within nine months from the date of receipt/production of a copy of this order.

(Sudhir Singh, J)

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