

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78527 of 2019

Arising Out of PS. Case No.-44 Year-2017 Thana- MAHESHKHUNT District- Khagaria

Laltu Yadav Son of Late Budhan Yadav, Resident of Village- Baraitha, P.S.-
Gogri, District- Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh

For the Opposite Party/s : Mr.Ajay Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 06-03-2020 Heard Sri Viveka Nand Singh, learned counsel

appearing on behalf of the petitioner and learned Addl. Public

Prosecutor.

The petitioner seeks bail in Sessions Case No.287 of
2017, arising out of Maheshkhunt P.S. Case No. 44 of 2017
registered for the offence punishable under Sections 307, 302,
120B/34 of the Indian Penal Code and Section 27 of the Arms
Act.

The informant made specific allegation that while he
along with Sudhir Yadav and Debo Yadav (since deceased) were
returning to their house on a motorcycle from the civil court,
Khagaria, accused Laltu Yadav (petitioner), Shivdani Yadav
started firing on the motorcycle of the informant, which hit
Sudhir Yadav and Debo Yadav. When they fell down on the



ground, accused Laltu Yadav(petitioner) fired from close range on the temporal region of Debo Yadav, due to which Debo Yadav died on the spot. It is alleged that on the order of Laltu Yadav, co-accused Rajesh Yadav opened fire, which hit on the back of body of the Debo Yadav and Sudhir Yadav had also received fire-arm injury.

It is submitted by learned counsel for the petitioner that Shivdani Yadav has already been granted bail by a coordinate Bench of this Court vide order dated 16.10.2019 passed in Cr.Misc.No.52135 of 2019. It is further submitted the petitioner has remained in jail for more than two years and the case of the petitioner stands on similar footing as that of co-accused Shivdani Yadav, but it appears that there is specific allegation against the petitioner that he fired on temporal region of the deceased. The postmortem report corroborates the ocular version of the informant.

Considering the facts and circumstances, as stated above, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner stands rejected.

However, the trial court is directed to expedite and hold the trial on day to day basis and conclude the same within one year. The Superintendent of Police, Khagaria is also



directed to ensure presence of prosecution witnesses on the date fixed by the trial court so that the trial may be concluded within one year.

Let a copy of this order be sent to the trial court Khagaria and the Superintendent of Police, Khagaria for information and needful.

(Prabhat Kumar Jha, J)

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