

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5132 of 2020

Arising Out of PS. Case No.-68 Year-2019 Thana- BELDOUR District- Khagaria

KIRAN YADAV, Son of Late Kharkan Yadav Resident of Village - Pirnagra,
P.S.- Beldaur, Distt - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh

For the Opposite Party/s : Mr. Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

12 12-07-2021 Heard Mr. Shekhar Kumar Singh, learned
counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with
Beldaur P. S. Case No. 68 of 2019, dated 07.05.2019,
instituted for offences under Sections 147, 341, 323,
307, 302, 504 and 506 of the Indian Penal Code.

It has been alleged in the F.I.R. that the
brother of the informant was assaulted by accused
persons including the petitioner on the orders of one
Barun Yadav.

The learned counsel for the petitioner has
submitted that no specific accusation of assault has been



levelled against the petitioner and all the accused persons are said to have assaulted the deceased. Apart from this, it has been submitted that though in the F.I.R., the motive of the occurrence is stated to be that the accused persons reaped the maize crop of the informant but during investigation, it came to light that the deceased was having illicit relationship with the wife of co-accused Barun Yadav.

It has also been submitted on behalf of the petitioner that some of the relatives of the deceased who have made statement during the course of investigation have specifically stated that they did not see the petitioner but they claim to have seen others at the spot.

The learned counsel for the petitioner has finally submitted that considering all these aspects, one Arun Yadav, a co-accused of this, has been granted bail by a Bench of this Court in Cr. Misc. No. 19380 of 2021 *vide* order dated 07.04.2021.

The petitioner is stated to be in custody since



18.09.2019 and does not have criminal antecedents.

However, regard being had to the fact that the informant is an eye-witness to the occurrence who had seen the petitioner and others assaulting the deceased, I am not inclined to grant bail to the petitioner for the present.

The application for bail is rejected.

However, this Court directs that if there is no substantial progress in the trial in the next six months, the petitioner would be at liberty to approach the court below for grant of bail and in that event, the court below shall be under an obligation to record the reasons for the tardy progress of the trial.

The application stands disposed off.

(Ashutosh Kumar, J)

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