

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26234 of 2020

Arising Out of PS. Case No.-244 Year-2019 Thana- MADANPUR District- Aurangabad

VIKASH YADAV @ RAMSWARUP YADAV Son of Late Govind Yadav
Resident of Village- Deojara, P.S.- Imamganj, District- Gaya. (Bihar)

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Birendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 15-03-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Madanpur P.S. Case No. 244 of 2019 registered for the offences under Sections 302,34, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that as per the prosecution story, on the alleged date of occurrence when the informant's brother (since deceased) was at his brick kiln, three persons arrived there on a motorcycle and after having talk for some time, two persons fired upon him and fled away. The



informant's brother was taken to hospital where he was declared dead.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is not named in the F.I.R. but his name has come in the confessional statement of co-accused Ajit Yadav who has been granted bail by this Hon'ble Court in Cr. Misc. No. 14324 of 2020. Petitioner is in custody since 05.12.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. Learned counsel submits that during investigation mobile location of the petitioner has been found at the place of occurrence and the petitioner is accused in ten cases.

Having regard to the facts and circumstances of the case and the materials collected in course of investigation showing the mobile location of the petitioner at the place of occurrence and further material in form of the criminal antecedent report of the petitioner showing that the petitioner has got ten cases on his head, there being huge criminal antecedents of the petitioner, in the nature of the materials, this Court is not inclined to grant privilege of bail to the petitioner.



The submission of learned counsel for the petitioner that the co-accused Arun Singh and Ajit Yadav whose bail orders have been annexed have been granted bail by the learned co-ordinate Benches of this Court would not persuade this Court to allow similar benefits to the petitioner finding that those accused have been granted bail after noticing that their names had transpired in the confessional statement and they had no criminal antecedent.

The material present against the petitioner as well as the huge criminal antecedent are such that this Court is not inclined to grant privilege of bail to the petitioner. His prayer is, thus, refused.

Let the trial be conducted expeditiously.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

