

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30050 of 2020

Arising Out of PS. Case No.-20 Year-2018 Thana- GHOSWARI District- Patna

=====

Bineshwar Yadav @ Bindeshwar Yadav aged about 48 year, Male, son of Late Jai Ram Yadav, resident of village- Gosai Gaon, P.S.-Ghoswari, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anil Chandra

For the Opposite Party/s : Mr. Premchandra Yadav, Advocate

Mr. Damodar Prasad Tiwary, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 30-01-2021 Heard Mr. Anil Chadnra, learned counsel for the petitioner, Mr. Premchandra Yadav, learned counsel for the informant and Mr. Damodar Prasad Tiwary, learned counsel for the State.

Petitioner seeks regular bail in connection with S.Tr. No. 801 of 2019 (arising out of Ghoswari P.S. Case No. 20 of 2018) registered under Sections 302 / 34 of the I.P.C. and Section 27 of the Arms Act.

The allegation as per the First Information Report is that the petitioner fired upon the brother of the informant, leading to his death.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to land dispute. Learned counsel next submits that during the course of investigation the statement of the father of the deceased was recorded, who has stated that the petitioner has fired upon the



deceased, but the father of the deceased is not the eye witness and he made the statement on the basis of the information received by him from others.

On the other hand, learned counsel for the State as well as informant vehemently opposed the prayer for bail and submits that petitioner is the main assailant, there is specific allegation against him in the First Information Report and he is also having criminal antecedent.

This Court vide its order dated 24.11.2020 has called for a report from the learned trial court regarding the present stage of the trial and in pursuance thereof a report has been furnished by learned Additional District & Sessions Judge IInd, Barh, Patna vide letter no. 126 dated 02.12.2020 and from perusal of the same it appears that out of 07 prosecution witnesses, 02 prosecution witnesses have been examined and cross -examined including the informant and the trial court has given the time frame that the trial is likely to be completed within 06 months.

Having regard to the submissions made by learned counsel for the parties and taking into consideration the materials available on record, the fact that there is direct specific allegation against the petitioner and he is having



criminal antecedent, I am not inclined to grant regular bail to the petitioner at this stage.

Accordingly, the same is rejected.

However, if the trial does not record any progress, the petitioner may renew his prayer for regular bail after completion of the period of 06 months from today.

(Anil Kumar Sinha, J)

praful/-

U			
---	--	--	--

