

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30512 of 2020

Arising Out of PS. Case No.-44 Year-2020 Thana- RAJGIR District- Nalanda

Prabhat Yadav, Son of Yogendra Yadav, Resident of Village - Barchhi Bigha,
P.S.- Giriyak, District – Nalanda. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate
For the Opposite Party/s : Mr.Tarun Prasad Mandal, A.P.P.
For the Informant : Mr. Rama Kant Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 22-01-2021 Heard learned counsel for the petitioner, learned
counsel for the informant and Mr. Tarun Prasad Mandal, learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Rajgir P.S. Case No. 44 of 2020 (G.R. No. 571 of
2020) registered for the offences under Sections 147, 148, 149 and
302 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
informant in his written report stated that in the way near water
park, Giriyak he found one Scorpio vehicle without registration
number and motorcycle of his brother parked there. When the
informant and his cousin brother went there they saw that the
accused persons are assaulting his brother and when they went
near him the accused persons fled away. He brought his injured
brother to Referral Hospital, Rajgir from where he was referred to
Sadar Hospital, Biharsharif and during treatment he died.



Learned counsel for the petitioner submits that there is general and omnibus allegation against all nine named accused persons including this petitioner. No specific overt act has been alleged against this petitioner. Both sides are gotias.

Learned counsel further submits that the post-mortem report reveals that death caused due to asphyxia and strangulation but neither the informant nor any other prosecution witness alleged about strangulation, which itself falsify whole prosecution story.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein learned counsel for the petitioner has submitted before this Court that there are general and omnibus kinds of allegations against the petitioner and that the petitioner has been falsely implicated being gotia of the informant with whom he has got land dispute, learned counsel for the informant and learned A.P.P. for the State have submitted from the materials collected in course of investigation that this petitioner has been seen by the eye witnesses on the place of occurrence assaulting the victim who has succumbed to his injury, multiple injuries on vital parts of the body has been noticed by the doctor conducting post-mortem and the further material which this Court has noticed showing that the petitioner has got seven criminal antecedents and in some of the



F.I.Rs. lodged by the informant's side, earlier the petitioner has been named, in the nature of the criminal antecedents and the materials which are present against the petitioner, this Court is not inclined to grant privilege of regular bail to the petitioner at this stage.

This Court has been informed that the trial has already begun. Let the trial be expedited.

The trial court shall proceed with the trial without granting any unnecessary adjournment. Prosecution must co-operate in course of trial on the date fixed in the matter. No longer date shall be fixed by the learned trial court and all endeavours be made to conclude the trial within a period of six months from the date of receipt/production of a copy of this order.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.

