

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 44718 of 2021

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Bipin Yadav @ Bipin Kr. Yadav, s/o Hari Yadav, r/o vill-Madhali
Jarlahi, PS -Barari, Dist-Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s: Mr. Narendra Kr. Singh, APP

For the informant : Mr. Umesh Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-09-2021 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner, Sri Bhola Prasad, the learned APP for the State Sri. Narendra Kr. Singh and the learned counsel for the informant Sri Umesh Prasad.

The present petition is by way of second attempt at the behest of the petitioner for grant of bail in connection with Barari PS case no. 330 of under Sections 302, 201, 120(B)/34 of



Indian Penal Code, inasmuch as the earlier the prayer of the petitioner for grant of bail was rejected by this Court vide order dated 26.08.2020, passed in Cr. Misc. no. 19002 of 2020.

The case of the prosecution in brief is that on 17.10.2019, while the deceased brothers of the informant were returning home at about 7:30 in the evening after grazing their buffalos, on the way, the accused persons including the petitioner herein had caught hold of them and assaulted them, whereupon they had put them on a tractor and taken them towards Marachhia, whereafter they had kept their dead bodies on the railway track so as to show that they had died on account of being run over by the railway train. It is further alleged that the petitioner herein had then called the informant from his mobile number and had informed him that his brothers had been killed and their dead bodies had been kept, hence, the informant should come there and take away the dead bodies of his brothers.

The learned counsel for the petitioner has submitted that the petitioner is languishing in custody since 18.01.2020, but there is virtually no progress in the trial, hence the trial court be directed to expedite the trial.

Per content, the learned APP for the State and the learned



counsel for the informant have vehemently opposed the prayer for bail and have submitted that the prosecution witnesses have already been examined and the prosecution has already closed the evidence. It is further submitted that ample materials have been collected during the course of investigation which have been mentioned in the case diary and the same *prima facie* shows that the petitioner is the main accused in the double murder case as also is having complicity in the alleged occurrence. It is also submitted that the prosecution witnesses, examined during the course of trial, have fully supported the case of the prosecution and moreover, the petitioner is a veteran criminal, inasmuch as 07 other criminal cases are pending against him, as such he deserves no sympathy.

I have heard the learned counsel for the parties and perused the materials on record, from which this Court finds that while rejecting the prayer of the petitioner for grant of bail earlier, this Court, in its order dated 26.08.2020, had elaborately dealt with all the aspects of the case and had found the petitioner to be *prima facie* having complicity in the alleged occurrence of commission of double murder and moreover, there is no change in circumstance from the day, the prayer of



the petitioner for grant of bail was rejected earlier on 26.08.2020 till date, hence I do not find any occasion to reconsider the prayer of the petitioner for grant of bail, thus the present petition stands dismissed.

(Mohit Kumar Shah, J)

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