

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No. 46241 of 2021

Arising Out of PS. Case No.-253 Year-2019 Thana- SALAKHUA District- Saharsa

BAIJNATH YADAV @ VAIJNATH YADAV S/O LATE LAXMI YADAV R/o
village- Morkahi, Ward No. 04, P.S.- Alouli, Distt.- Khagaria, at Presently
residing at village- Bagulwa Tola, Belahi, P.S.- Salkhua (Chiraiya O.P.),
Distt.- Saharsa

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Adv.

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 01-09-2021 The instant case 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 and the learned APP for the State Mr. Uday Pratap Singh.

The present petition is by way of second attempt at the behest of the petitioner for grant of bail in connection with



Salkhua (Chairaiya OP) PS case no. 253 of 2019 under Section 302/34 of Indian Penal Code and Section 27 of the Arms Act, inasmuch as the earlier prayer of the petitioner for grant of regular bail was rejected by this Court vide order dated 17.12.2020, passed in Cr. Misc. no. 28789 of 2020.

The case of the prosecution in brief, according to the informant is that his father namely Devendra Rai used to stay at his house and engage in agricultural activities, however, in the morning on 10.11.2019, the local people had informed him on his mobile that his father has been killed by gunshots having been fired on him at his residence on 09.11.2019 by unknown miscreants. It is further alleged that the informant and other persons had then gone to the place of occurrence and found that the father of the informant was lying dead.

The learned counsel for the petitioner has submitted that the petitioner is languishing in custody since 13.12.2019 and there is no progress in the trial, hence he should be granted the privilege of bail. It is further submitted that one of the independent witness, though had found the accused persons including the petitioner herein running from the place of occurrence along with arms, but the petitioner was not said to be carrying any arm, hence he is not having any complicity in the



matter, thus the present case is a fit case for grant of Bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail and has submitted that all the issues have, elaborately and explicitly, been considered by this Court in its earlier order dated 17.12.2020 whereby and whereunder the prayer of the petitioner for grant of bail was rejected. It is also submitted that as far as the statement of the witness Lakhan Sada is concerned, it is apparent that no distinction has been made in between the accused persons as far as carrying of arms by them is concerned. Nonetheless, it is submitted that the complicity of the petitioner in the alleged occurrence is writ large from the records, who along with other accused persons had committed the gruesome murder of the deceased.

I have heard the learned counsel for the parties and perused the materials on record as also gone through the order dated 17.12.2020, passed by this Court earlier, from which it is clear that the complicity of the petitioner is writ large and moreover, there is no change in circumstance from the day, the prayer of the petitioner for grant of bail was rejected earlier on 17.12.2020 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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