

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32603 of 2020

Arising Out of PS. Case No.-414 Year-2019 Thana- SAUR BAZAR District- Saharsa

Roshan Yadav, S/o Mahendra Yadav, R/o village, Patuaha Ward No. 09, P.S. Saharsa, Dist- Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 35428 of 2020

Arising Out of PS. Case No.-414 Year-2019 Thana- SAUR BAZAR District- Saharsa

BIKASH YADAV @ VIKASH KUMAR @ VIKASH YADAV Son of Barun Yadav Resident of Village - Bhaptiya, P.S.- Sour Bazar, District - Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 32603 of 2020)

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

For the Opposite Party/s : Mr. Shantanu Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 35428 of 2020)

For the Petitioner/s : Mr. Pawan Kumar, Advocate

For the Opposite Party/s : Mr. Pushpa Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

11 23-02-2021 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking regular bail in connection with Saur Bazar (Bajinathpur OP) P.S. Case No. 414 of 2019 registered for the offence punishable under Sections 302/120(B) of the Indian Penal Code and Section 27 of



the Arms Act.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in the present case. Learned counsel submits that the names of the petitioners have transpired in the confessional statement of the co-accused, however there is no independent material to connect the petitioners in the present case and they have been made accused in this case solely on the basis of suspicion.

Learned counsel submits that in course of investigation it has come through various witnesses that the deceased had taken money from several persons on the pretext of getting them job and persons from whom the deceased had taken money were demanding the money. It is submitted that the petitioners are in custody since 20.12.2019 and 07.01.2020 respectively. It is submitted that co-accused has been earlier granted bail by this Court.

Learned APP for the State has opposed the prayer for regular bail of the petitioners. It is submitted that the release of the petitioners who are having huge criminal antecedents when trial has already begun may result in threatening of witnesses.

Having regard to the facts and circumstances of the case, in which now the learned trial court has reported that the trial has already begun and witnesses have been summoned and the



case is expected to be disposed of within six months only, considering that the present petitioners have got 14 cases and 12 cases respectively on their head, the co-accused Devanand Yadav has been granted bail by this Court when the charges were not framed, during the pandemic period and he had lesser number of cases, considering that the number of cases pending against the petitioners is much more (total number of cases being 14 and 12 respectively) and the submission of the learned counsel for the State in the present case that the release of the petitioners at this stage may result in threatening the witnesses who have been summoned by the learned trial court, this Court is not inclined to grant bail to these petitioners, let the trial be concluded within a period of six months. No longer date be fixed. Prosecution shall co-operate in conclusion of trial within the expected time.

If the trial is not concluded within the period of six months for no reason attributable to the petitioners, they may renew their prayer for bail.

The 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'.

