

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38222 of 2020

Arising Out of PS. Case No.-243 Year-2019 Thana- VISHNUPAD District- Gaya

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SANJAY YADAV @ CHONGA Son of Keshar Yadav Resident of Village-
Ghugharitand Chatubigha, P.S.- Vishnupad, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	M/s Rama Kant Sharma, Sr. Advocate Rajesh Kumar, Advocate
For the State	:	Mr. Yogendra Kumar Singh, A.P.P.
For the Informant	:	M/s Shiva Shankar Sharma Arun Kumar Sinha, Advocates

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 16-03-2021 Heard learned senior counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner has filed the instant application for
grant of regular bail in connection with Vishnupad P.S. Case no.
243 of 2019 registered under sections 302 and 34 of the Indian
Penal Code and sections 27 of the Arms Act.

As per allegation in the first information report, the
petitioner is stated to have shot the elder brother of the
informant.

It is submitted by learned senior counsel appearing for
the petitioner that from perusal of the first information report
itself the improbability of the allegations is writ large on the



face of the F.I.R. in so far as the genesis of the occurrence is concerned there was no *panchayati* in the village, the occurrence is stated to have taken place right in front of the house of the petitioner and four persons accompanying the petitioner are stated to have caught hold of the deceased when the petitioner fired upon him. It is further submitted that the postmortem report does not support the allegations levelled in the first information report and at the place of occurrence, no blood stain etc. has been found. The petitioner is in custody since 17.12.2019.

The application for bail is opposed by learned Additional Public Prosecutor for the State and learned counsel appearing for the informant who submits that the trial in case has already proceeded and the informant would be examining the witnesses at the earliest.

A report was called for from the learned court below with respect to the stage of trial and as per the report contained in letter dated 19.2.2021, two prosecution witnesses have been examined.

Having heard learned counsel for the parties and taking into consideration that the petitioner is stated to be the assailant of the deceased and the trial in the case has proceeded,



the Court is not inclined to enlarge the petitioner on bail and the same is rejected.

The learned court below is directed to expedite the trial.

(Partha Sarthy, J)

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