

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 2637 of 2021**

Arising Out of PS Case No.-363 Year-2019 Thana- BAGAHA District- West Champaran

Indal Sen Yadav @ Indra Kesh Raj, Male, aged about 20 years, Son of Naresh Yadav, Resident of Village- Shastri Nagar, Ward No. 13, PS- Bagaha (Pathkhauli), District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Shanker Sahay, Advocate
For the State	:	Mr. Choubey Jawahar, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 23-06-2021

The matter has been heard via video conferencing.

2. Heard Mr. Ravi Shankar Sahay, learned counsel for the petitioner and Mr. Choubey Jawahar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Bagaha (Pathkhauli) PS Case No. 363 of 2019 dated 29.06.2019, instituted under Sections 302 and 120B/34 of the Indian Penal Code.

4. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by order dated 18.12.2019 passed in Cr. Misc. No. 56120 of 2019.



5. The allegation against the petitioner, another co-accused and 3-4 unknown persons is of killing the son of the informant.

6. Learned counsel for the petitioner submitted that though the allegation is of the petitioner having stabbed the deceased, but he was young in age and all were friends and now he is in custody since 05.07.2019 i.e., almost two years.

7. Learned APP submitted that the Court had earlier also noticed that the petitioner was said to be the main assailant by the eye witness and it is alleged that he had taken out knife from his pocket and had repeatedly stabbed the deceased. It was further submitted that the said allegation is also corroborated by the postmortem report.

8. A report was called from the Court below with regard to the likely time for conclusion of the trial. The same has been received from the Incharge 1st Additional Sessions Judge, Bagaha, West Champaran dated 09.04.2021, which indicates that at the relevant time, there was no regular Court. However, learned counsel for the petitioner submitted that recently a regular Court has joined.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court



finds that there are no mitigating circumstances to consider afresh the prayer for release of the petitioner on bail after the last order rejecting such prayer dated 18.12.2019, especially in view of the fact that the eye witness has stated that the petitioner was the main assailant and further that he had repeatedly stabbed the deceased.

10. Accordingly, the application stands dismissed.

11. However, the Court below is directed to expedite the trial and conclude the same at the earliest, preferably within one year.

12. Registry shall communicate the order to the Court below forthwith.

(Ahsanuddin Amanullah, J.)

P. Kumar

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