

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5576 of 2021**

Arising Out of PS. Case No.-8 Year-2018 Thana- BITHAN BAZAR District- Samastipur

JIWACHH YADAV Son of Nandan Yadav Resident of Village- Sihma, P.S.-
Bithan, District- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Binod Kumar, Advocate
For the Informant	:	Mr. Sarbottam Kumar, Advocate
For the State	:	Mr. Rina Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 18-08-2021 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Bithan P.S. Case No. 08 of 2018 registered
for the offence under Section 302/34 of the Indian Penal Code
and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that as per
the prosecution story, this petitioner along with four other co-
accused who are named in the F.I.R. had surrounded the
deceased and shot at him.

Learned counsel submits that the petitioner has got
three criminal antecedents and in the present case he is in
custody since 09.08.2020.

On the other hand, Ms. Rina Sinha, learned A.P.P. for the State and learned counsel for the informant have opposed the prayer for bail of the petitioner. It is submitted that this petitioner has not only got criminal antecedents of serious nature, in fact brother of the informant has been killed as the accused had an apprehension that the brother of the informant had disclosed the name of the accused persons in respect of an offence in which a magazine and cartridges of one Hawildar was snatched away.

It is further submitted that considering the criminal antecedents of the co-accused, the potential threat to the witnesses of the case and the fact that they were absconding in this case for a long time, this Court has earlier rejected the prayer for bail of the co-accused in Cr. Misc. No. 22436 of 2020 and Cr. Misc. No. 2559 of 2021 vide order dated 05.07.2021. Case of this petitioner stands on similar footing.

Considering the facts and circumstances of the case, in the nature of the allegations and the materials discussed hereinabove and on noticing that the prayer for bail of the co-accused similarly situated has been rejected by this Court earlier, this Court is not inclined to release the petitioner on bail.

Prayer for regular bail of the petitioner is, thus,

refused.

Let the trial be expedited. All efforts be made to conclude the trial as early as possible and preferably within a period of one year after start of normal functioning of the Court. If the trial is not concluded within the period of one year after start of normal functioning of the learned court below, the petitioner may renew his prayer for bail.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.