

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.2180 of 2021**

Arising Out of PS. Case No.-232 Year-2020 Thana- LAXMIPUR District- Jamui

Antu Yadav, Son of Late Saudagar Yadav, R/O Village Mangrar, Tola
Choudiha, Police Station-Laxmipur, District-Jamui. Petitioner
Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Rabi Bhushan Prasad No. 1, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.
For the Informant : Mr. Amrendra Kumar, Advocate

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

5 16-07-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four weeks
after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned counsel
for the informant and Mr. Akhileshwar Dayal, learned A.P.P. for
the State.

Petitioner in the present case is seeking regular bail in
connection with Laxmipur P.S. Case No. 232 of 2020 registered
for the offence punishable under Sections 147, 148, 149, 324, 302
of the Indian Penal Code.

The prosecution story, in brief, is that while the
informant went to Bahiyar on 15.06.2020 at about 12.00 P.M. for
grazing his cattles as well as for providing food to his father, who
was in Bahiyar from before and when he reached, he saw that
accused persons including this petitioner were assaulting his father



brutally by means of deadly weapons and after seeing him the accused persons tried to assault the informant also but he fled away from the alleged place of occurrence and raised hulla, then co-villagers came there and on seeing the co-villagers the accused persons started fleeing away from the place of occurrence and with the help of the co-villagers, the informant took his father to Referral Hospital, Laxmipur and from where the father of the informant was referred to Sadar Hospital, Jamui and in course of treatment, his father died.

Learned counsel for the petitioner submits that there are general and omnibus kinds of allegation in the First Information Report and since no overt act has been specifically alleged against the petitioner, he deserves privilege of bail.

Learned counsel for the informant submits that trial in this case is on the verge of conclusion. All the prosecution witnesses have already been examined except the I.O. for whom a date has already been fixed.

Learned counsel submits that neither these facts has been disclosed in the petition nor the deposition of those witnesses have been brought on record, hence, the petitioner does not deserve privilege of bail at this stage.

Mr. Akhileshwar Dayal learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.



Considering the facts and circumstances of the case wherein this Court has come to know that the trial has already proceeded and all the prosecution witnesses except the I.O. stand examined. For examination of the I.O. also a date has also been fixed by the trial court but these facts are not disclosed by the petitioner either in the petition or at the time of hearing, this Court is not inclined to release the petitioner on bail at this stage.

Let the trial be concluded as early as possible preferably within a period of six months from the date of start of normal functioning of the court. The I.O. must be examined at the earliest opportunity and the trial court shall fix a shorter date so as to conclude the case preferably within the aforesaid period. If the trial remains unconcluded during the aforesaid period for no reason attributable to the petitioner, he may renew his 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'.

