

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6313 of 2021**

Arising Out of PS. Case No.-102 Year-2019 Thana- PALI District- Jehanabad

Vijay Yadav, S/O Sujay Yadav, Resident of Village-Amarpur, Pali, P.S.-PALI,
District-Jehanabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Sunil Srivastava, Advocate Mr. Mithilesh Kr. Arya, Advocate
For the Opposite Party/s	:	Mr. Bisheshwar Ram, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 14-09-2021 Learned counsel for the petitioner has filed the copy of the certified copy of the impugned order dated 10.12.2019 passed by learned Additional Sessions Judge- Vth Court, Jehanabad in Bail Petition No. 746 of 2019.

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 and Mr. Bisheshwar Ram, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Pali P.S. Case No. 102 of 2019 registered for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act. He is

in custody since 28.08.2019. Petitioner has got no criminal antecedent.

As per the prosecution story, the brother of the informant was returning home after closing his flour mill. On way to his home he was fired upon. It is alleged that when the informant and other family members reached there the brother of the informant (since deceased) was found saying that 3-4 persons had shot at him. The informant further alleged that while his brother was referred to PMCH, Patna and he was on way to PMCH, the informant got an information that one Raja Kumar of village Tohiya who is the sister's son of his co-villager Bablu Kumar has also been shot at. Both were taken to PMCH but both the injured persons died.

Learned counsel for the petitioner submits that the informant has stated in the F.I.R. that it is not known as to why both the persons have been shot at and in this connection no information was available to him.

Learned counsel submits that the name of the petitioner has been brought in this case on mere suspicion in course of investigation. Petitioner has remained in jail for over two years but the trial is not likely to be concluded in near future hence, he deserves privilege of bail.

On the other hand, Mr. Bisheshwar Ram, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. It is submitted with reference to the materials disclosed in the case diary that in paragraph '3, '14' and '16' the witnesses have stated that when they reached there the brother of the informant was in injured condition was saying that this petitioner and 3-4 other persons who were consuming liquor with this petitioner had shot at him and this petitioner has also participated. The case diary witnesses have supported the allegation against the petitioner. Learned A.P.P. submits that in the alleged occurrence two persons have been killed and this petitioner has been named by the injured which were heard by the witnesses.

It is further submitted that in this case the charge has already been framed and the trial has commenced, therefore, the release of the petitioner at this stage in a case of serious nature is likely to affect the course of trial.

Having regard to the facts and circumstances of the case wherein two persons have been killed on the same day, the allegations being serious and in the case diary some of the witnesses have stated about the participation of this petitioner in the alleged occurrence and that his name has been told by the

injured who is no more as also that in this case the trial has commenced by framing of charge and the case is fixed for evidence but because of the pandemic situation the witnesses could not be examined, at this stage this Court is not inclined to release the petitioner on bail. The prayer for bail of the petitioner is, thus, refused.

The trial court is expected to proceed with the trial by keeping the records on shorter date and all endeavours be made to conclude the trial as early as possible preferably within a period of six months from the date of communication of this order.

The prosecution must cooperate in early conclusion of trial.

If the trial remains unconcluded 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'.