

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8328 of 2021

Arising Out of PS. Case No.-231 Year-2020 Thana- NATHNAGAR District- Bhagalpur
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SUBHASH YADAV SON OF LATE RAJPATI YADAV RESIDENT OF
VILLAGE- NAYATOLA MIRJAPUR, P.S MADHUSUDANPUR, DISTT-
BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP
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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 07-07-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Sessions Trial No. 292 of 2020 (arising out of Nathnagar (Madhusudanpur) P.S. Case No. 231 of 2020) registered under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the F.I.R., the informant states that late in the night of the date of occurrence, on hearing the sound of firing, he woke up and saw the five named accused persons including the petitioner herein running away. Soon thereafter, he saw that his son had been shot. He was taken to the hospital and died in course of treatment.

It is submitted by learned counsel for the petitioner that



the allegations as levelled in the F.I.R. are false and concocted. Admittedly, there is no eye witness to the occurrence. The son of the petitioner was sleeping in the house of the informant's brother in the neighbourhood and the allegations in the F.I.R. has been made falsely implicating this petitioner due to other reasons. The petitioner is in custody since 28.5.2020 and investigation in the case has concluded. He has no criminal antecedent.

The prayer for bail is opposed by learned A.P.P. for the State.

A report with respect to the stage of trial was called for from the learned Court below. As per the report, the trial in the case has commenced and two prosecution witnesses have been examined.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the allegations as made in the F.I.R. together with the trial in the case having commenced, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

The learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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