

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18865 of 2022

Arising Out of PS. Case No.-630 Year-2020 Thana- BANKA District- Banka

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Ramesh Yadav Son Of Late Tipan Yadav Resident Of Village- Kushaha,
Police Station - Banka, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Ms. Rina Sinha

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

4 28-09-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Banka
P.S. Case No. 630 of 2020, registered for the offences
punishable under Sections 147, 148, 149, 323, 307 and
302 of the Indian Penal Code and Section 3/4 of the
Explosive Substances Act.

The prosecution case as emerging from the F.I.R.



is that the petitioner along with his associates assaulted the informant and his brothers with *lathi, danda*, rod, pistol and bomb. It is further alleged that one of the brothers of the informant, namely, Sanjay Yadav succumbed to the injuries.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Even as per the F.I.R. he has not assaulted the alleged victim and it is co-accused Dinesh Yadav and Yogendra Yadav who have assaulted the alleged victim by explosive substances. He further submits that he has been languishing in jail since 14.02.2022 and he is 65 years old.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, learned APP for the State vehemently opposes the prayer of the petitioner for bail submitting that it is the present accused-petitioner who had given direction to the co-accused Dinesh Yadav and Yogendra Yadav to blow



the alleged victim by explosive substance and consequently the victim was blown up by explosive substance. She further submits that the aforesaid co-accused Dinesh Yadav and Yogendra Yadav are still in jail. She further refers to the post-mortem report as per which the victim had died on account of injuries caused by explosive substance. She also submits that investigation is complete and after finding the case true against the accused-persons, including the petitioner, charge-sheet has already been submitted against them including the petitioner.

Considering the serious nature of the allegation against the petitioner, I am not persuaded to enlarge the petitioner on bail at this stage.

The prayer for bail is accordingly rejected.

However, the Trial Court is directed to expedite the trial. In case, the trial is not concluded within a period of six months, the petitioner is at liberty to renew his prayer for bail.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office



within a period of one month and the Registry is directed to
issue the certified copy of this order only after removal of
office objections.

(Jitendra Kumar, J)

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