

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33808 of 2021

Arising Out of PS. Case No.-343 Year-2019 Thana- SAHPUR District- Bhojpur

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VINOD YADAV @ RAVI YADAV @ GOPE @ PAHALWAN S/o Munna
Yadav R/o village- Shahpur, P.S.- Bihiya, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Narayan, Sr. Adv. Mr. Sunil Kumar Yadav, Adv.
For the Informant	:	Mr. Manoj Kumar Singh, Adv.
For the State	:	Mr. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 29-03-2022 Heard Mr. Rajendra Narayan, learned senior counsel

for the petitioner, Mr. Manoj Kumar Singh, learned counsel
appearing for the informant and Mr. Ataur Rahman, learned
Additional Public Prosecutor for the State.

Petitioner seeks regular bail in connection with
Shahpur PS Case No. 343/2019 registered for the offence
punishable under Sections 302/34 of the IPC and Section 27 of
the Arms Act.

The allegation in a nutshell is that the petitioner
caused fire-arm injury upon the brother-in-law of the informant
in the morning of date of occurrence and in the night while the
family members of the informant were going to see the injured
admitted in the hospital, the petitioner along with other accused



persons standing near Hari Narain Singh Inter College armed with lethal weapons chased and fired upon the husband of the informant, namely, Sunil Kumar Yadav due to which he died.

Learned senior counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to village rivalry and from perusal of the First Information Report it would be evident that the petitioner has fired with his rifle but during course of investigation and postmortem report, it has come that only pellets have been recovered from the body of the deceased. Learned counsel further submits that the petitioner is in custody since 04.02.2020 and the trial is not likely to be concluded in near future.

On the other hand, learned counsel appearing for the informant submits that the petitioner is the main assailant and cause of death is due to fire-arm injury and there is specific allegation against the petitioner that he fired upon the husband of the informant. He further submits that petitioner is a history-sheeter and altogether ten cases are pending against him.

This Court *vide* order dated 22.02.2022 had called for a report from the learned court below i.e., the court of Additional Sessions Judge XIII, Bhojpur at Ara regarding the stage of trial and in pursuance thereof, report *vide* letter no.



125/22 dated 25.02.2022 has been received and from perusal of the same, it appears that out of nine witnesses two witnesses have been examined and seven witnesses are yet to be examined. However, the report further reveals that the trial is likely to be concluded within four months from today.

Regards being had to the submissions made by the parties and taking into consideration the material on record and the fact that the petitioner is the main assailant and is having criminal antecedents, I am not inclined to grant regular bail to the petitioner. The same is, accordingly, dismissed.

Petitioner, if so advised, may renew his prayer for bail after six months from today, if the trial does not make any substantial progress.

(Anil Kumar Sinha, J)

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