

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41129 of 2021

Arising Out of PS. Case No.-532 Year-2018 Thana- BODHGAYA District- Gaya

=====

SUDHIR YADAV @ SUDHIR KUMAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Sudhir Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Madhura Nand Jha, A.P.P.
For the informant	:	Mr. Prithivi Raj Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 16-05-2022 Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with Sessions Trial No. 248/2020 arising out of Bodh Gaya P.S. Case No. 532/2018 registered for the offences punishable under Sections 302/34 of the Indian Penal Code 1860 and Section 27 of the Arms Act.

The informant is brother of the deceased who has lodged the First Information Report stating therein that the deceased had gone for measurement of the land where he was surrounded by FIR named accused persons namely, Shahnawaz Khan, Firozuddin, Gajnafar @ Saheb along with two unknown persons and they fired upon the informant's brother, due to



which, he died.

Learned counsel for the petitioner submits that from perusal of the First Information Report it would be evident that there was previous land dispute between the parties. The petitioner is not named as assailant in the First Information Report and his name transpired on the basis of investigation in which it has come that tower location and C.D.R. of the petitioner showed that he was present at the place of occurrence. The petitioner is in custody since 18.6.2020.

On the other hand, learned counsel for the informant submits that the trial is at the verge of conclusion inasmuch as out of six charge sheet witnesses, five witnesses have been examined. He further submits that the petitioner has criminal antecedent and, as such, he does not deserve the privilege of bail.

Regards being had to the submission made by the parties and taking into consideration the nature of allegation, the criminal antecedents of the petitioner and the fact that the trial is at the verge of conclusion, I am not inclined to grant regular bail to the petitioner at this stage.

Accordingly, the prayer for bail of the petitioner stands rejected.



However, the petitioner may renew his prayer for bail
after four months if the trial does not show any progress.

(Anil Kumar Sinha, J)

S.Ali/-

U		T	
---	--	---	--

