

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41459 of 2022

Arising Out of PS. Case No.-185 Year-2019 Thana- BIHPUR District- Bhagalpur

SHIVA YADAV @ SHIVA KUMAR YADAV @ SHIV YADAV Son of Late
Satto Yadav @ Satyanarayan Yadav, R/o Village - Ganaul, P.S. - Bihpur,
Bhawanipur (O.P.), District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishwajeet Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP
Mr. Viveka Nand Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 23-11-2022 Heard learned counsel for the parties.

The petitioner has renewed his prayer for grant of bail
in a case registered under sections 302, 147, 148 and 149 of the
Indian Penal Code and section 27 of the Arms Act.

The earlier application for bail of the petitioner was
rejected vide order dated 24.8.2021 (Annexure-1) passed in Cr.
Misc. no. 15673 of 2021.

As per the prosecution case, the accused persons as
also the petitioner is said to have shot at the father of the
informant injuring him as a result of which he died.

It is submitted by learned counsel for the petitioner
that the petitioner has been falsely implicated in the case. He is
cooperating in the trial. There is no chance of the trial



concluding in the near future. He is in custody since 20.1.2020 and undertakes to abide by any conditions which may be laid down by this Court for his release on bail.

Heard learned APP for the State.

A supplementary affidavit has been filed on behalf of the petitioner bringing on record the deposition of the prosecution witnesses. On perusal of the deposition of the prosecution witnesses it transpires that both PW-1 and PW-2 have supported the prosecution case of the petitioner having fired at the father of the informant leading to his death.

Having heard learned counsel for the parties and taking into consideration the nature of allegation together with the contents of the depositions of PW-1 and PW-2 recorded in course of trial, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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