

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.59911 of 2021**

Arising Out of PS. Case No.-81 Year-2005 Thana- PARAIYA District- Gaya

Kamta Yadav, Son of Rajendra Yadav Resident of Village - English Par, P.s.-  
Chandauti, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Shailesh Kumar, Adv.

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

3      18-05-2022                      Heard learned counsel for the parties.

Let the defect(s), if any, be removed within four weeks.

The petitioner is in judicial custody in connection with Paraiya P.S. Case No.81 of 2005 instituted under Section 302/34 of the Indian Penal Code, 27 of the Arms Act and 17 of the C.L.A. Act.

As per the allegation, the accused persons came and asked for water from the informant and the same was given to them. They further demanded the water to be brought in a bucket for at least 500 people. Later, it was alleged that they tied their hands and assaulted them. In the process, they shot and killed his brother.

In this case, case diary was called for on 15.04.2022 which was received and perused by the learned APP Mr. Bharat



Bhushan.

Learned counsel for the petitioner submits that some other co-accused has been granted bail by co-ordinate Benches of this Court. The bare perusal of the same would show that it dates back to 2015 and 2017. As observed by this Court, that in a case of year 2005 the petitioner was finally nabbed in 2020 and as such the said bail orders that was granted to the other accused persons cannot be equated with this petitioner.

The matter is of year 2005 and as per para-84 of the case diary on 11.02.2006 itself the name of the petitioner and one of accused persons had cropped up. Learned APP further submits that a perusal of the case diary shows that since 28.11.2020, the police were regularly visiting the house of the petitioner but was able to arrest only on 09.08.2021.

He further attributes to para-95 of the case diary wherein it has been incorporated that supplementary charge sheet against the petitioner has been submitted under Section 302/34 of the Indian Penal Code, 27 Arms Act and 17 CLA Act vide Charge Sheet No.189 of 2021 dated 30.10.2021.

A report was called for from the learned court below which has been received and as per it, cognizance has been taken on 09.05.2022 against the petitioner and the same has



been posted for 13.05.2022 for commitment.

Considering the aforesaid fact that the matter is of 2005 and the name of the petitioner has cropped up in 2006 itself who finally came into judicial custody in 2021, this Court is not inclined to grant any relief for the present and the bail application is hereby rejected.

Since the matter is of the year 2005, the Trial Court is directed to expedite the trial and conclude the same without any unnecessary adjournments.

**(Rajiv Roy, J)**

Prakash Narayan /-

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