

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2331 of 2023

Arising Out of PS. Case No.-323 Year-2019 Thana- BASOPATTI District- Madhubani

SUDHIR YADAV SON OF MADHESHWAR YADAV R/O VILL.-
MADHIYA, P.S.- BASOPATTI, DISTT.- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 25-05-2023 Heard the learned counsel for the petitioner and
learned counsel for the State.

The petitioner seeks bail in connection with
Basopatti P.S. Case No. 323 of 2019 registered for the offence
under Sections 302, 506, 34 of the Indian Penal Code and
Section 27 of the Arms Act.

It has been alleged in the F.I.R. that the petitioner
and others have shot the deceased. It has been submitted by the
learned counsel for the petitioner that he has falsely been
implicated and on the date of occurrence, he was appearing in
examination. This fact has not been verified by the I.O. of the
case and charge-sheet has been submitted against the petitioner.
The petitioner did not take any steps to press his application
which was not being considered by the I.O. and he did not
approach the Superintendent of Police or higher police officials
or the learned Magistrate for investigation with regard to his
alibi.

In these circumstances, the submission of the



learned counsel for the petitioner that the petitioner is not involved in the crime is fit to be rejected. The petitioner is said to be one of the assailants of the deceased. The case of the two co-accused who have been granted bail is distinguishable from that of the case of the petitioner. The petitioner is also accused in a case of under Section 392 of the Indian Penal Code and another case of murder.

Learned A.P.P. has vehemently opposed the prayer for bail.

Considering all the aforesaid facts, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer of bail of the petitioner is rejected herewith.

The trial court is directed to expedite the trial of all the cases in one court pending against the petitioner.

(Sandeep Kumar, J)

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