

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14864 of 2023

Arising Out of PS. Case No.-186 Year-2005 Thana- SABAUR District- Bhagalpur

Dablu Yadav Son Of Late Khuddi Yadav R/O Village - Khutaha, Post/Block-
Gauradih, P.S.- Lodipur, Khutaha, Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nikhil Singh

For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 17-07-2023 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a
case registered for the offences punishable under
Sections 302/34 of the Indian Penal Code.

The prosecution case as per F.I.R is that on the
order of co-accused Bhukkhan Yadav, this petitioner shot
fire at the father of the informant, as a result of which,
he sustained gunshot injuries and died.

It is submitted by learned counsel for the
petitioner that petitioner is innocent and he has falsely
been implicated in this case. It is further submitted that



due to previous enmity the petitioner has been implicated in this case. It is also submitted that co-accused Bhukan Yadav being the order giver was convicted by the learned Trial Court on 19.02.2009 under Section 302, 34 of the Indian Penal Code and he was sentenced imprisonment for life. The said Bhukan Yadav filed Cr. Appeal (DB) No. 292 of 2009 for grant of bail and he was allowed bail vide order dated 06.04.2009 passed in Cr. Appeal (DB) No. 292 of 2009. The petitioner is languishing in custody since 20.01.2019. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

In contra, learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner and submitted that there is specific allegation against the petitioner that he shot at the father of the informant, as a result of which, he sustained gunshot injuries and died. During investigation, the witnesses have also supported the case



of the prosecution. The postmortem report also corroborates the case of the prosecution. The petitioner was declared absconder in the year 2006 and thereafter in the year 2019, he was arrested and since then he is in custody. The petitioner has not cooperated with the Trial Court due to which, the trial got hampered and due to non-cooperation of the petitioner, the trial has not been concluded till date.

Considering the fact that there is specific accusation against the petitioner to have shot fire at the father of the informant resulting into his death, this Court is not inclined to grant bail to the petitioner. The prayer for grant of bail to the petitioner stands rejected.

The Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Sunil Kumar Panwar, J)

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