

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17950 of 2023

Arising Out of PS. Case No.-243 Year-2019 Thana- VISHNUPAD District- Gaya

Sanjay Yadav @ Chonga, Son of Keshwar Yadav, Resident Of Village -
Ghughari Tand Chhatubihga, P.S. - Vishnupad, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhaskar Shankar, Advocate Mr. Rakesh Singh, Advocate Mr. Saket Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 26-04-2023 Heard learned counsel for the parties.

The petitioner has filed the instant application praying for grant of provisional bail for one month in connection with Sessions Trial no.534/20/219/20 arising out of Vishnupad P.S. Case no. 243 of 2019 registered under sections 302/34 of the Indian Penal Code and section 27 of the Arms Act.

The earlier prayers for regular bail of the petitioner were rejected vide orders dated 16.3.2023 passed in Cr. Misc. no.38222 of 2020, dated 27.4.2022 passed in Cr. Misc. no.15323 of 2022 and dated 4.1.2023 passed in Cr. Misc. no.65776 of 2022 (Annexure-1 series).

As per the allegation in the first information report, the petitioner is stated to have shot the elder brother of the



informant.

Learned counsel for the petitioner making his submission for grant of provisional bail to the petitioner in the instant case for 1 month refers to a medical prescription dated 30.1.2023 of the wife of the petitioner issued by a doctor at Anugrah Narayan Magadh Medical College and Hospital, Gaya. It is submitted that from perusal of the same it would transpire that the petitioner's wife is suffering from severe low back pain and is in need of immediate treatment. She has been referred for further treatment to a specialized hospital at Lucknow. The petitioner undertakes to surrender within the time granted and to cooperate in the trial.

The application for bail is opposed by learned A.P.P for the State.

Having heard learned counsel for the parties and taking into consideration the material on record it transpires that the allegation in the F.I.R against the petitioner is of having shot the elder brother of the informant. A report was called for from the learned trial Court. As per the report received contained in letter no.380 dated 3.4.2023, ten out of the eleven prosecution witnesses have been examined and only one witness remains to be examined. Thus, the trial is near its conclusion. Further so far



as the prescription issued by the doctor at Anugrah Narayan Magadh Medical College and Hospital, Gaya is concerned, although it is correct that the wife of the petitioner has been referred for further treatment to the hospital at Lucknow, however, from the contents of the said prescription, this Court is not satisfied about the urgency etc. of the case and as to why only the petitioner who happens to be the assailant of the deceased would be required to accompany her.

Taking into consideration the facts of the case, the Court is not inclined to enlarge the petitioner on provisional bail and the application is rejected.

(Partha Sarthy, J)

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