

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20298 of 2023

Arising Out of PS. Case No.-265 Year-2022 Thana- JANKINAGAR District- Purnia

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1. Bipin Kumar Yadav S/O Jhulan Yadav
2. Jhulan Yadav S/O Late Kamleshwari Yadav
Both R/O Village- Mirchaibari, P.S- Jankinagar, Distt.- Purnea..Petitioner/s
Versus
THE STATE OF BIHAR Opposite Party/s
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Appearance :

For the Petitioner/s :	Mr.Shashi Bhushan Kumar,Advocate
For the Opposite Party/s :	Mr.Ram Bilash Roy Raman,APP
For the Informant :	Mr. N.K.Agrawal, Sr. Advocate
:	Mr. Sumit Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 25-07-2023 Heard learned counsel for the petitioners, learned counsel for the informant and the learned A.P.P. for the State.

2. The petitioners seek bail, who is in custody since 02.01.2023 in connection with Jankinagar P.S. Case No. 265 of 2022, F.I.R. dated 07.10.2022 registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

3. Allegation against the petitioner No.1 is that he assaulted with iron rod on the head of son of the informant namely, Rajkumar, due to which he sustained injury on his right eye and he fell on the ground after shouting. Then all FIR named accused persons together started assaulting informant's son Rajkumar mercilessly, due to which he got injured badly. During course of treatment, the son of the informant died.

4. Learned counsel appearing for the petitioner



submits that the petitioners have clean antecedent. They have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR.

5. Vide order dated 12.07.2023, a report was called for with regard to the present stage of the trial. Report of the learned Trial Court dated 18.07.2023 reveals that out of ten chargesheet witnesses, six witnesses have already been examined and the case is pending for the examination of the rest of the chargesheet witnesses including the Doctor and I.O.

6. Learned counsel for the informant and learned APP for the State have opposed the prayer for bail of the petitioners.

7. In view of the report of the learned Trial Court, I am not inclined to enlarge the petitioners on bail in connection with Jankinagar P.S. Case No. 265 of 2022 pending in the court of learned Judicial Magistrate, 1st Class, Purnea.

8. Prayer is refused.

9. However, the learned Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Rajesh Kumar Verma, J)

Nitesh/-

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