

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25622 of 2023

Arising Out of PS. Case No.-80 Year-2022 Thana- BELCHHI District- Patna

RAMBALI YADAV Son of Late Shabho Yadav Resident of Village Udhawa
Par, P.S.-Belachhi, District-Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mukesh Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Tiwary, APP
For the Informant	:	Mr. Anil Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 24-08-2023 Heard Mr. Mukesh Kumar Jha, learned Counsel for
the petitioner and Mr. Anil Kumar Singh, learned Counsel for
the informant as also learned APP for the State.

The petitioner is an accused in connection with
Belchchi P.S. Case No. 80 of 2022 registered for the offences
under sections 302 and 34 of the Indian Penal Code and section
27 of the Arms Act lodged on 20.09.2022 by the informant, Ajit
Kumar.

As per the prosecution story, the allegation against the
petitioner is that he was part of the accused persons who caught
hold of Vivekanand Kumar @ Sonelal Kumar and Deepak
Kumar opened fire which proved fatal. Accordingly, the FIR.

Learned Counsel for the petitioner submits that the



main culprit is Deepak Kumar who opened fire. So far as this petitioner is concerned, allegation is of having caught hold of the deceased alongwith other accused persons. He as such, submits that the said allegation is omnibus in nature.

Mr. Anil Kumar Singh, learned Counsel for the informant has provided order of a co-ordinate bench of this Court in Cr. Misc. No. 26283 of 2023 (Dipesh Kumar @ Dipkant Kumar) and submits that he was also the person who had caught hold of the deceased followed by the murderer's attack by Deepak Kumar which caused his death.

It is his further submission that contrary to the report submitted by the learned Trial Court vide letter no. 125 dated 03.08.2023, two witnesses have already been examined between 03.08.2023 to 23.08.2023 and the trial is likely to be concluded in future.

Considering the aforesaid submissions put forward by the rival parties, the fact is that in similar situate person Dipesh Kumar @ Dipkant Kumar, his bail has been rejected by a co-ordinate bench, two witnesses have already been examined, it would be appropriate that the petitioner faces the trial.

The bail petition stands rejected.

The Trial Court is directed to expedite the trial and



conclude the same within the period it has promised, i.e. within
nine months.

(Rajiv Roy, J)

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