

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23398 of 2022

Arising Out of PS. Case No.-21 Year-2013 Thana- NIMCHAKBATHANI District- Gaya

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AJAY YADAV @ RANJIT KUMAR YADAV @ RANJIT YADAV @
RANJEET KUMAR YADAV Son of Rajendra Prasad Yadav Resident of
Village - Bathani, P.S.- Neemchak Bathani, Distt.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vijay Yadav Son of Late Jaipal Yadav Resident of Village - Bathani Tola
Dharam Bigaha, P.S.- Neemchak Bathani, Distt.- Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Advocate
Mr.Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 17-05-2023 Learned counsel for the petitioner has filed a
supplementary affidavit which is taken on record.

Heard learned counsel for the petitioner and learned
APP for the State.

Pursuant to the last order dated 10.05.2023, the
Station House Officer, Neem-Chak, Bathani Police Station,
Gaya has appeared before this Court.

This application has been filed for quashing the order
dated 21.12.2021 passed by learned J.M. 1st Class, Gaya in
connection with Neem-chak Bathani P.S. Case No. 21/2013
(G.R. No. 814/2013) by which learned Magistrate has rejected
the discharge application of the petitioner for the offences under
Sections 341, 342, 323, 325, 307 read with 34 of the Indian



Penal Code Later on Section 302 of the Indian Penal was added.

The prosecution case, in brief, is that on 26.02.2013, the informant, namely, Vijay Yadav gave a written report Neemchak Bathani P.S. stating that the informant's elder brother Sumirak Yadav (the deceased) was returning home after closing JD(U) Office. The accused persons, namely, Kunti Devi (Ex. M.L.A.), Ranjit Yadav, Vivek Yadav, Sala of Ranjit Yadav and two unknown persons, all armed with deadly weapon were hiding near a shop. When the deceased arrived there, accused Kunti Devi order to kill him stating that the deceased managed to defeat her in the election. Thereafter, the deceased was surrounded by all and accused Ranjit Yadav gave a blow by iron rod over the head of the deceased. Thereafter, Sala of Ranjit Yadav and two unknown persons started assaulting the deceased with lathi and danda and killed him.

The office is directed to remit back the entire records of the present case and trial court is directed to proceed with the trial forthwith as the F.I.R is of 2013.

The Superintendent of Police, Gaya is directed to get the trial expeditiously so that it can be held regularly on day to day basis without any further delay.

The Trial Court will submit a report to this Court after



six months about the trial.

The direction of disposal of trial does not mean that the discharge application of the petitioner shall not be heard. The apprehension of learned counsel for the petitioner is that his discharge application will be considered by the trial court seems misconceived. If such an application is filed, it shall be dealt with by the trial court in accordance with law after hearing and the hearing should be proper and not rust but the trial court will not give unnecessary adjournment to the accused.

With the aforesaid observation and direction, this application is disposed of.

Let a copy of this order be communicated to the District Magistrate, Gaya and the Senior Superintendent of Police, Gaya for its compliance through FAX and e-mail forthwith.

(Sandeep Kumar, J)

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