

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25659 of 2022**

Arising Out of PS. Case No.-185 Year-2019 Thana- BIHPUR District- Bhagalpur

Ashish Yadav @ Ashish Kumar Yadav @ Ashis Yadav Son of Arjun Yadav  
Resident of Village - Ganoul, P.s.- Bihpur (Bhawanipur), Distt.- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

|                    |   |                               |
|--------------------|---|-------------------------------|
| For the Petitioner | : | Mr.Rupesh Kumar, Advocate     |
| For the State      | : | Mr.Abhay Kumar, APP           |
| For the Informant  | : | Mr.Vivekanand Singh, Advocate |

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

5      10-05-2023                      Heard learned counsel for the petitioner, learned  
counsel for the informant and learned APP for the State.

Petitioner, in the present case, is seeking regular bail in connection with Bihpur (Bhawanipur) P.S. Case No. 185 of 2019 registered for the offence under Sections 147, 148, 149, 302 of the Indian Penal Code and Section 27 of the Arms Act. Petitioner is in custody since 20.01.2020 having no criminal antecedent as stated in paragraph '3' of the application.

Earlier his prayer for bail was rejected by this Court vide order dated 23.07.2021 passed in Cr. Misc. No. 39043/2020. The reasons for rejection are as follows:

*“Having regard to the facts and circumstances of the case wherein this Court has noticed that there are specific allegations that this petitioner had fired upon the chin of the father of the informant and the postmortem report*



*shows injury over the chin and according to the doctor the father of the informant died due to haemorrhage and shock due to the injury caused by fire-arm, this Court is not inclined to release the petitioner on bail. His prayer for bail is, thus, refused.”*

A report has been called for from the learned trial court which is at Flag ‘A’. According to this report, the trial has already started, out of seven witnesses, three public witnesses have already been examined and only two public witnesses including informant and two official witnesses who are I.O. and doctor remained to be examined. This report is dated 15.11.2022.

Learned counsel for the petitioner submits that since then no progress has taken place and the trial has remained pending as it is.

Learned APP for the State as well as learned counsel for the informant are present. They are unable to say the present stage of the case.

Be that as it may, considering the kind of allegations against the petitioner and the reasons contained in the earlier order of this Court, this Court is not inclined to release the petitioner on bail.

Let the trial court fix the records of the case on shorter dates and procure attendance of the prosecution witnesses as



early as possible. The Superintendent of Police, Bhagalpur shall ensure that the prosecution witnesses are duly produced on the date fixed in the matter and in case any warrant is issued for attendance of the witnesses the same be executed expeditiously.

In case the trial is not concluded for no reason attributable to the petitioner within a period of six months from the date of receipt/production of a copy of this order, it will be open for the petitioner to renew his prayer for bail in the trial court.

This application stands disposed of accordingly.

**(Rajeev Ranjan Prasad, J)**

Rajeev/-

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