

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26789 of 2023

Arising Out of PS. Case No.-154 Year-2020 Thana- GHOSWARI District- Patna

Diwakar Yadav Son Of Sri Basudeo Yadav R/O Village- Gosaigaon, P.S.-
Ghoswari, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 21-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 01.12.2022, in connection with Ghoswari P.S. Case No. 154 of 2020, F.I.R. dated 24.12.2020 registered for the offences punishable under Sections 384, 385, 307, 326, 506/34 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 24.12.2020 at 10:00 P.M. the informant's father after taking food went to sleep at his *Bathan* and while he was sleeping some one knocked the door saying to open the door but from the hole of wall some one fired upon him and first firing did not hit him but another firing hit at his left armpit. It is further alleged that after opening the door he raised hulla and saw Jhapo Sao,



Kundan Kumar, Ranjeet Sao and one unknown person having pistol were fleeing away by firing. It is further alleged that on 14.01.2020 his Ravi Kishan Kumar was kidnapped by son of Jhapo Sao namely Ram Niwas Kumar along with his associates for ransom and accused Ram Niwas Kumar is still in jail. For lifting the said case, they were giving pressure on his family and earlier also paper was pasted at the door for rangdari.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R.

5. Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries only 42 (forty two) more cases other than the present one.

6. Vide order dated 21.07.2023 a report was called for with regard to the stage of the trial. Report dated 03.08.2023 of the learned Trial Court reveals that charge has been framed against the petitioner on 12.04.2023 and out of six chargesheet witnesses, five witnesses have already been examined and the case is pending for the examination of the rest prosecution



witness.

7. Considering the aforesaid facts and circumstances of the case and in view of the report of the learned Trial Court, I am not inclined to enlarge the petitioner on bail in connection with Ghoswari P.S. Case No. 154 of 2020 pending in the Court of learned Judicial Magistrate, 1st Class, Barh, Patna.

8. Prayer is refused.

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

(Rajesh Kumar Verma, J)

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