

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29168 of 2023

Arising Out of PS. Case No.-162 Year-2021 Thana- GOPALPUR District- Bhagalpur

Dhananjay Yadav, Son of Gopi Yadav, Resident of Village- Bhawanipur, P.S.-
Rangra O.P., District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate
		Mr. Ashok Kumar Yadav, Advocate
For the Opposite Party/s	:	Mrs. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 19-07-2023 Heard Mr. Ramakant Sharma, learned senior counsel
appearing on behalf of the petitioner and Mrs. Nirmala Kumari,
learned counsel for the State.

2. The petitioner seeks regular bail in connection with
Gopalpur (Rangra) P.S. Case No. 162 of 2021 registered for the
offences punishable under Sections 147, 148, 149, 302, 379 of
the Indian Penal Code and Section 27 of the Arms Act.

3. This is the second attempt made on behalf of the
petitioner for grant of bail, as earlier the prayer for bail of the
petitioner was turned down by this Court vide order dated
19.05.2022 passed in Cr. Misc. No. 55650 of 2021 after taking
into consideration the fact that the petitioner is the author of the
fatal injury resulting into death of the deceased, which has also



been corroborated by the post-mortem report.

4. Learned senior counsel appearing on behalf of the petitioner vehemently submitted that though in the F.I.R. specific accusation has been levelled against the petitioner. However, the witnesses, who are claiming themselves to be the eye witnesses and who were present at the time of occurrence with the deceased, as is evident from the F.I.R., have been examined in trial and all of them have not supported the prosecution case and turned hostile. He next submitted that though the petitioner has been in incarceration for over a period of two years, but till date, out of eight charge-sheet witnesses, only three have been examined and there is bleak chances of conclusion of trial in near future.

5. On the other hand, learned counsel for the State opposes the prayer for bail and submits that specific allegation has been levelled against the petitioner that he opened fire and there is no overwhelming circumstance, warranting reconsideration.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that petitioner is the author of the fatal injury, which has also been corroborated by the medical evidence, this Court is not persuaded to enlarge



the petitioner on bail.

7. However, considering the fact that three eye witnesses, who were claiming themselves to be the eye witnesses turned hostile, this Court expects that the learned trial court will take all the endeavour to conclude the trial expeditiously.

8. Needless to observe that if there is no substantive progress in the trial, the petitioner would be at liberty to renew his prayer for bail after six months.

9. Accordingly, the prayer for bail of the petitioner stands rejected.

(Harish Kumar, J)

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