

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30387 of 2022

Arising Out of PS. Case No.-10 Year-2022 Thana- KATORIYA District- Banka

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BULLO YADAV @ BULLU YADAV S/o Ram Prasad Yadav Resident of
Telondha, P.S.- Katoria, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 30397 of 2022

Arising Out of PS. Case No.-10 Year-2022 Thana- KATORIYA District- Banka

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AJAY YADAV S/o Ram Prasad Yadav Resident of Telondha, P.S.- Katoria,
District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 30387 of 2022)
For the Petitioner/s : Mr.Md. Nurul Hoda
For the Opposite Party/s : Mr.Dashrath Mehta
(In CRIMINAL MISCELLANEOUS No. 30397 of 2022)
For the Petitioner/s : Mr.Md. Nurul Hoda
For the Opposite Party/s : Mr.Choubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 25-01-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Katoria P.S. Case No. 10 of 2022, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 302, 504, 506 and 120 B of the Indian Penal Code.

The prosecution case as emerging from the FIR is that on 05.01.22, the petitioner and his associates came at the house of the informant and started abusing him. Later, when the son of the informant protested, he was assaulted by them with iron rod and hammer due to which he sustained several injuries and later died.

Ld. counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. They further submit that there is delay in lodging FIR. They also submit that investigation in this case is complete and charge-sheet has already been submitted.

They further submit that the petitioners, namely, Bullo Yadav and Ajay Yadav have been languishing in jail



since 03.03.2022 and 17.01.2022, respectively.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail submitting that there is specific allegation of assaulting the victim against the accused-petitioners- Ajay Yadav and Bullo Yadav resulting into death of the victim.

Considering the aforesaid facts and circumstances, particularly the nature of allegation and material on record, I am not persuaded to enlarge the petitioners on bail at this stage.

This application stands rejected accordingly.

However, Ld. Trial Court is directed to expedite the trial. In case, the trial is not concluded within a period of one year, petitioners are at liberty to renew their prayer for



bail.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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