

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31494 of 2022

Arising Out of PS. Case No.-818 Year-2021 Thana- BIHAR District- Nalanda

Siya Yadav @ Siya Sharan Yadav Son of Late Saryug Yadav R/o Village-
Patuana, P.S.- Bihar, District- Nalanda

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Alok Kumar Alok, Adv.
For the Opposite Party/s :	Mr. Ashok Kumar Singh, APP
For the Informant :	Mr. Pankaj Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 08-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks' from today.

Heard Mr. Alok Kumar Alok, learned counsel appearing on behalf of the petitioner, Mr. Pankaj Kumar learned counsel for the informant and Mr. Ashok Kumar Singh, learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in connection with Bihar P.S. Case No. 818 of 2021 registered for the offences punishable under Sections 147, 148, 149, 307 and 302 of the Indian Penal Code.

The prosecution case is based on the *fardbeyan* of the informant alleging therein that on 04.12.2021, all the



accused persons including the petitioner entered into the house of the informant and started abusing which was resisted by the husband of the informant, upon which, co-accused Laljeet Yadav came with *garasa* and gave a *garasa* blow on the head of her husband. It has further been alleged that the petitioner gave a sword blow over the head of the father-in-law of the informant on account of which he also sustained injury. It has also been alleged that other co-accused persons assaulted the other family members of the informant by means of *lathi* and *danda*.

Learned counsel appearing on behalf of the petitioner submits that there is admitted land dispute between both the parties which resulted into case and counter case bearing Bihar P.S. Case No. 819 of 2021 filed by co-accused Laljeet Yadav. He further submits that specific allegation has been levelled against co-accused Laljeet Yadav. So far as the petitioner is concerned, though there is allegation that he assaulted the father-in-law of the informant by means of sword, that allegation has not been corroborated by the injury report, inasmuch as there is no medical report issued by the Government Hospital available in the case diary. He next submits that the petitioner is a man of fair antecedent and is in custody since 09.12.2021 and he is ready to abide by all the



terms and conditions.

On the other hand, learned counsel for the State and learned counsel for the informant opposed the bail application and submitted that apart from the specific allegation that the petitioner assaulted the father-in-law of the informant by means of sword, it is also the fact that the trial is at the fag end and now only the official witnesses are required to be examined and most probably the trial is likely to be concluded within a period of three months.

Regard being had to the submissions made on behalf of the parties and considering the fact that the trial is at the fag end and the same is likely to be concluded within a period of three months, this Court is not inclined to grant bail to the petitioner for the present.

However, the Trial Court is directed to take all endeavours to conclude the trial, as soon as possible, preferably within a period of three months.

This Court also expects that the Superintendent of Police, Nalanda shall ensure the appearance of the official witness(es) on the date fixed by the Trial Court, so that the trial must be concluded within the aforesaid period.

It is needless to say that if the trial is not concluded



within the stipulated period, the petitioner shall be at liberty to
renew his prayer for bail.

Copy of this order shall be communicated to the
Superintendent of Police, Nalanda.

The application stands disposed off.

(Harish Kumar, J)

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