

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36836 of 2023**

Arising Out of PS. Case No.-296 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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PAPPU YADAV, S/O LATE BANO YADAV, R/O Ward No. 7, Sikandarpur,
PS. Muffasil, Dist. Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Prithish Kumar Lal, Advocate
For the State : Mr. Amitesh Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

5 01-09-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner seeks bail in connection with
Muffasil P.S. Case No. 296 of 2021 registered for the offence
punishable under Sections 302 and 34 of the Indian Penal Code
and Section 27 of the Arms Act.

3. The petitioner's prayer for bail was earlier rejected
on 18.01.2023 in *Cr. Misc. No. 32308 of 2022*. The same has
been renewed by way of the present application.

4. As per report received from the trial court on
07.07.2023, two witnesses have been examined.

5. Learned counsel for the petitioner has addressed



the court on merits by submitting that the victim's mother (informant) either while recording her first information report or giving her statement before the police has not stated that the victim had uttered the petitioner's name as being the assailant. The submission is that this circumstance should be considered by the court for grant of bail to the petitioner.

6. The matter was earlier considered on merits and has been rejected on 18.01.2023 in *Cr. Misc. no. 32308 of 2022*. In the present application also, deposition of one Rahul Kumar has been enclosed wherein he has stated that the injured victim prior to his death had stated about the petitioner firing upon him. The court is, therefore, not inclined to take a different view today.

7. On query made by the court, it is submitted by learned counsel for the petitioner that the mother of the victim and the Investigating Officer remain to be examined at the trial.

8. In view of the circumstances, the present application is rejected with an observation that the trial court should proceed expeditiously and without undue delay to conclude the trial.

9. If the same is not done within a period of three months, the petitioner will be at liberty to renew his prayer for



bail.

(Madhuresh Prasad, J)

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