

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39679 of 2023

Arising Out of PS. Case No.-5 Year-2022 Thana- DHARHARA District- Munger

VIJAY KUMAR YADAV @ BIJAY KUMAR YADAV (Male 67 years), S/O
LATE MOHAN YADAV R/O Village- Sundarpur Dih, Bhalar, P.S- Dharhara,
Distt.- Munger.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shubhesh Pandey, Advocate
For the Opposite Party/s	:	Mr.Anish Chandra, APP
For the informant	:	Mr. Anurag Saurav, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 5 25-08-2023 1. Heard learned counsel for the petitioner, learned
APP for the State as well as learned counsel for the informant.
2. Petitioner seeks regular bail in connection with S.T.
No.94 of 2022 arising out of Dharharara P.S. Case No. 05 of
2022 dated 10.01.2022 registered for the offence(s) punishable
under Section(s) 302/323/ 379/ 34 of the Indian Penal Code.
3. This is second prayer for the relief of regular bail.
Petitioner's earlier prayer for the said relief was rejected by this
Court vide order dated 13.03.2023 passed in Cr. Misc. No.47887
of 2022.
4. The main submissions advanced by the learned
counsel for the petitioner are that the petitioner has been
languishing in jail since 11.01.2022 and all the prosecution



witnesses have been examined and the allegation levelled against the petitioner, in the FIR, does not get corroboration from the medical opinion given in the postmortem report of the deceased and the co-accused persons are on bail.

5. Learned counsel for the informant has vehemently opposed the bail prayer and submitted that the petitioner's trial is at final stage and the same is running for exhibiting the FSL report and the petitioner may misuse the privilege of bail if the same is granted to him at this stage and against him, there is specific allegation of having assaulted the informant's son by means of *gadasa* which resulted in his death.

6. Learned APP appearing for the State has also opposed the bail prayer.

7. Considering the above submissions and mainly the report of the trial court which goes to show that the trial of the petitioner is at final stage, so at this stage it will not be proper to enlarge the petitioner on bail. Accordingly, his bail prayer stands rejected.

(Shailendra Singh, J)

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