

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41849 of 2022

Arising Out of PS. Case No.-42 Year-2020 Thana- KHAGARIA District- Khagaria

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GAURAV YADAV S/O MR. LABBU YADAV Resident of Village- Baba Tola
Morkahi, P.S.- Muffasil, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivam

For the Opposite Party/s : Mr. Md. Matloob Rab

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

6 23-02-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with

Khagaria (Muffasil) P.S. Case No. 42 of 2020, registered for

the offences punishable under Sections 341, 307, 506 and

34 of the Indian Penal Code in which subsequently Section

302 of the Indian Penal Code was also added.

The prosecution case as emerges from the FIR is

that on 20.12.2019 at about 7.00 P.M. petitioner along

with his associates, having armed with weapons, shot at

informant's brother-in-law, due to which he sustained injury.

Ld. counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that trial is not progressive but the case is just committed for Trial. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioner has been languishing in jail since 01.02.2020.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in two other cases.

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

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail. He also submits that petitioner is the main assailant.

Considering the aforesaid facts and circumstances, particularly, the fact that petitioner is the main assailant, I am not persuaded to enlarge the appellant on bail at this stage.



This petition is accordingly rejected.

However, Ld. Trial Court is directed to expedite the trial. In case, the trial is not concluded within a period of 9 months, the petitioner is at liberty to renew his prayer for bail.

Ld. counsel for the petitioner 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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