

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46145 of 2023

Arising Out of PS. Case No.-94 Year-2021 Thana- BARARI District- Katihar

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Rupesh Yadav @ Rupesh Kumar Yadav Son Of Pitamber Yadav Resident Of
Village Magheli Jarlahi, Po- Jarlahi, Ps- Barari, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Prasad

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 25-08-2023 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a
case registered for the offences punishable under
Sections 302/34 of the Indian Penal Code and Section
27 of the Arms Act.

Earlier the prayer for bail of the petitioner was
rejected vide order dated 03.01.2023 passed in Cr.
Misc. No. 13881 of 2022.

The prosecution case as per F.I.R is that the
petitioner along with eight other co-accused persons
started firing to create fear and petitioner and co-



accused Bhalu Yadav pressed the neck of the informant's father-in-law, as a result of which, he died. On raising alarm by the informant, all the accused persons fled away.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. There is previous enmity between the parties and the specific allegation of firing is not against the petitioner. The deceased was 82 years old and his death was natural. There is also contradiction in the inquest report and the postmortem report which creates doubt about the authenticity of the prosecution version. The petitioner is languishing in custody since 16.12.2021.

It appears that vide order dated 19.07.2023, a report with regard to the present stage of the trial was called for. The report of learned Additional Sessions Judge-II, Katihar dated 01.08.2023 suggests that out of ten charge-sheeted witnesses, only four witnesses are



yet to be examined. The Court is vacant, hence, the trial may take 12 months to come to its conclusion.

Considering the facts aforesaid and the fact that there is no possibility of concluding the trial in near future as well as the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Katihar in connection with Barari P.S. Case No. 94 of 2021.

(Sunil Kumar Panwar, J)

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