

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49133 of 2023

Arising Out of PS. Case No.-185 Year-2019 Thana- BIHPUR District- Bhagalpur

SHIVA YADAV @ SHIVA KUMAR YADAV @ SHIV YADAV Son of Late
Satto Yadav @ Satya Narayan Yadav Resident of Village- Ganaul, P.S.-
Bihpur, Bhawanipur (O.P.), District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 22-09-2023

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for bail in connection with Sessions Trial no.488 of 2021 [arising out of Bihpur (Bhagwanpur O.P.) P.S. Case no. 185 of 2019] registered under section 302 and other sections of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the petitioner along with others are said to have shot at the father of the informant, as a result of which he died.

4. The earlier application for bail of the petitioner was rejected vide order dated 24.08.2021 (Annexure-1) passed in Cr. Misc. no. 15673 of 2021 and order dated 23.11.2022 (Annexure-1/1) passed in Cr. Misc.no.41459 of 2022.



5. Learned counsel for the petitioner submits that inspite of the petitioner being in custody since 20.1.2023 and cooperating in the trial, the same has still not concluded.

6. The prayer for bail is opposed by learned A.P.P. for the State.

7. A report was called for from the learned trial Court. As per the report received contained in letter dated 114 dated 16.08.2023 from the 1st Additional District and Sessions Judge, Naugachia, Bhagalpur, all the witnesses on behalf of the prosecution have been examined and the case is fixed for argument.

8. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner where he along with others are said to have shot at the father of the informant resulting in his death and all the witnesses on behalf of the prosecution having been examined in course of the trail in the learned trial Court, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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