

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48976 of 2022

Arising Out of PS. Case No.-61 Year-2021 Thana- ALINAGAR District- Darbhanga

Narayan Yadav, Son of Late Raj Kumar Yadav, Resident of Village - Kumraul,
P.S.- Alinagar, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 12-05-2023 The applicant/accused in Sessions Trial No. 314 of 2021 pursuant to Crime No. 61 of 2021 registered with Alinagar Police Station for the offences punishable under Sections 307, 341, 324, 325, 504 and 506 r/w Section 34 of the Indian Penal Code to which Section 302 of the Indian Penal Code came to be added later on, by this application has renewed his prayer for grant of bail. His earlier bail application was rejected on 23.02.2022.

The learned counsel appearing for the applicant/accused argued that the applicant is behind bars from last two years and despite framing of the charge on 05.07.2022, not a single witness has been examined. It is further argued that the applicant is said to be only the order giver.

The learned Additional Public Prosecutor opposed the application.

I have considered the submission so advanced.



The offence is one punishable under Section 302 of the Indian Penal Code with the aid of Section 34 thereon. While rejecting the earlier bail application, implications of Section 34 as well as 149 of the Indian Penal Code were considered by this Court. Therefore, merely because the applicant is stated to be order giver cannot dilute his role in commission of the crime in question.

As the offence is one punishable under Section 302 of the Indian Penal Code, only because the applicant is behind bars for two years, he cannot be directed to be released on bail automatically. The application is accordingly rejected.

The learned trial court to expedite the trial keeping in mind the seniority of the trial.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellant/accused.

(A. M. Badar, J)

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