

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53322 of 2023

Arising Out of PS. Case No.-403 Year-2022 Thana- ATRI District- Gaya

BAIJU YADAV @ ROHIT KUMAR son of Late Dipu Yadav Village- Sewtar
Ps- Atri Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-08-2023 Heard Mr. Ashhar Mustafa, learned Counsel for the

petitioner and Mr. Jitendra Kumar Singh, learned APP for the

State.

The petitioner is an accused in connection with
Sessions Trial No. 470 of 2023 arising out of Atri P.S. Case No.
403 of 2022 registered for the offences under sections 341, 342,
307, 386 and 34 of the Indian Penal Code and section 27 of the
Arms Act later on section 302 of the Indian Penal Code was
added lodged on 26.09.2022 by the informant, Ranju Devi.

As per the prosecution story, the informant alleged
that he got information about the injury of his son, rushed to the
place, took him to the hospital and on way, he informed that this
petitioner opened fire causing injury to him. He subsequently
succumbed to the injuries in the hospital. This followed the FIR.



It is the case of the petitioner that contrary to the allegation of giving gun-shot injury, no such injury has been found in the Post-Mortem Report. As such, he being in custody since last one year, deserves bail. He further submits that the sole witness, Ram Pravesh Kumar who has deposed and has not supported the prosecution story.

Learned APP for the State, on the other hand, has taken this Court to the observation of the learned Trial Court to show that after framing of the charges, one witness, Ram Pravesh Kumar has already been examined.

Considering the aforesaid facts, for the present, this Court is not inclined to extend him privilege of bail, which is accordingly rejected.

The Trial Court is directed to expedite the trial and conclude the same within a period of six months from today, if necessary on day to day basis.

(Rajiv Roy, J)

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