

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57033 of 2023

Arising Out of PS. Case No.-15 Year-2022 Thana- RAJNAGAR District- Madhubani

DANI LAL YADAV @ DANI YADAV SON OF LATE BANKTU @
JAGADISH YADAV @ KAMESHWAR YADAV @ KAMESHWAR YADAV
RESIDENT OF VILLAGE - PILAKHWAR, P.S. - RAJNAGAR, DISTRICT -
MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	M/s Yogesh Chandra Verma, Sr. Advocate Ugranath Mallik, Advocate
For the Opposite Party/s	:	Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 4 06-10-2023 1. Heard learned senior counsel for the petitioner and learned APP for the State.
2. The petitioner has renewed his prayer for grant of regular bail in connection with Rajnagar P.S. Case no. 15/2022 registered under sections 307, 147, 148, 149, 341, 506, 504, 323, 324, 325, 326, 427 and 379 of the Indian Penal Code and section 27 of the Arms Act to which section 302 of the Indian Penal Code was added subsequently.
3. As per the prosecution case, the petitioner along with one another are said to have resorted to indiscriminate firing resulting in the brother of the informant getting gunshot injury in his chest and having died.



4. The earlier application for bail of the petitioner was rejected vide orders dated 11.1.2023 (Annexure-1) passed in Cr. Misc. no. 31340 of 2022.

5. Learned senior counsel appearing for the petitioner submits that the earlier prayer for bail of the petitioner was rejected on 11.1.2023. In spite of the petitioner being in custody since 10.2.2022, there is no progress in the learned trial court and even charge has not been framed. On merits, against the allegation of firing being against two persons only one injury was found on the body of the deceased. It is further submitted that on earlier occasion a case had been lodged for the murder of the son of the petitioner herein, however, as the deceased was not an accused, even the petitioner can have no grievance against him nor any motive can be assigned to the petitioner for having committed the occurrence. The petitioner undertakes to cooperate in the trial.

6. The application for bail is opposed by learned APP for the State.

7. A report was called for from the learned trial Court. As per the report received contained in letter dated 5.9.2023 of the learned Addl. Sessions Judge X, Madhubani, the case was committed to the Court of Sessions on 6.1.2023 but because of



filing of the discharge petition on behalf of the other co-accused, namely, Ashok Yadav and Santosh Yadav, the case is pending for rejoinder to be filed on behalf of the prosecution. The prosecution has been directed to expedite the case.

8. Having heard learned counsel for the parties and taking into consideration the allegation in the FIR, the petitioner and one another having resorted to indiscriminate firing resulting gunshot injury having been sustained by the brother of the informant resulting in his death, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

9. Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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