

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56752 of 2022

Arising Out of PS. Case No.-261 Year-2021 Thana- KOILWAR District- Bhojpur

RAJWANSHI YADAV Son of Mangal Yadav R/V- Maudahi, P.S- Bihta, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Prasad Singh, Advocate
For the Opposite Party/s	:	Ms. Gulnar Begum, APP
For the informant	:	Mr. Binay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 04-01-2023 Heard learned counsel for the parties.

The petitioner has renewed his prayer for grant of bail in a case registered under sections 302, 120B and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, the informant states that he saw that the three accused persons including the petitioner herein resorted to indiscriminate firing with pistol on his brother who died on the spot as a result of gun shot injuries.

The earlier application for bail of the petitioner was rejected vide order dated 16.5.2022 (Annexure-1) passed in Cr. Misc. no.64101 of 2021.

It is submitted by learned counsel for the petitioner that inspite of the petitioner being innocent and having remained



in custody since 12.6.2021 there is no progress whatsoever in the learned trial Court and no chance of the trial concluding in the near future.

Heard learned A.P.P. for the State.

A report was called for from the learned trial Court. As per the report received contained in letter dated 30.11.2022 of the learned Additional District and Sessions Judge Xth, Bhojpur, Ara it transpires that eight witnesses have been examined on behalf of the prosecution.

Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner wherein it is stated that as a result of indiscriminate firing by the petitioner and two others resulted in the death of the informant's brother and which is supported from the contents of the postmortem report, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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