

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67088 of 2021

Arising Out of PS. Case No.-205 Year-2021 Thana- BARACHATTI District- Gaya

Shiv Kumar @ Shiv Prasad @ Bhola Yadav, Son of Late Chhatar Yadav,
Resident of Village - Itahari, P.S. - Mohanpur, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 08-02-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Barachatti (Mohanpur) P.S. Case No.205 of 2021 registered for
the offence punishable under Section 302/34 of the I.P.C.

Informant's sister and nephew, who happened to be
wife and son of the petitioner, have been throttled at the
petitioner's house, as per the allegation in the FIR.

The learned counsel for the petitioner submits that the
allegation as levelled is highly absurd and improbable. If they
were done to death by throttling, there would have been some
commotion inviting attention of others, whereas there is no such
allegation.

The learned APP, however, submits that in



investigation, death being caused by throttling has emerged. Petitioner is the husband and the victims were his wife and son and the killing has been done at the petitioner's home. The petitioner is responsible for well-being of the victims.

In the aforesaid circumstance, this Court had requisitioned a report regarding the stage of trial. Report dated 02.02.2023 has been transmitted to this Court, which reveals that examination of prosecution witness has started.

In view of the totality of the circumstances, noted above, this Court is not inclined to allow the prayer, for the present. However, the Court would express expectation that the trial is expedited without any undue delay or unnecessary adjournments, so as to conclude, preferably within six months.

(Madhuresh Prasad, J)

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