

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64100 of 2023

Arising Out of PS. Case No.-173 Year-2021 Thana- SAUR BAZAR District- Saharsa

Sanjeev Yadav @ Sanjeev Kumar Son of Sadanand Yadav Village- Kanp
(Purvi), Thengha Ward No. 3, PS- Sour Bazar, Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Viveka Nand Singh, Advocate
For the Opposite Party/s	:	Dr. Ajeet Kumar, APP
For the informant	:	Mr. Raja Ram Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 13-10-2023

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for bail in connection with Sour Bazar P.S. Case no.173 of 2021 registered under sections 302, 307, 147, 148, 149, 341, 323, 324, 325, 326 and 120B of the Indian Penal Code.

3. As per prosecution case, as a result of firing resorted to by the petitioner and one Vidyanand Yadav two persons on the informant side sustained gunshot injuries and died.

4. Learned counsel for the petitioner submits that the earlier application for bail of the petitioner was rejected vide order dated 19.12.2022 (Annexure-1) passed in Cr. Misc. no.



11369 of 2022. Inspite of the petitioner being in custody since 13.7.2021 the trial is not progressing and there is no chance of the same concluding in near future.

5. It is submitted that as per the allegation in the FIR petitioner and Vidyanand Yadav are said to be the assailants, as a result of which two persons died. The said Vidyanand Yadav has been enlarged on bail vide order dated 4.8.2023 (Annexure-3) passed in Cr.Misc. no.16059 of 2023. The petitioner undertakes to cooperate in the trial.

6. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted that not only the petitioner is named as an assailant in the FIR but even in course of trial P.W.1 Sanjeev Yadav @ Sanjeev Kumar has supported the prosecution case against this petitioner. It is further submitted that there are total of seven witnesses to be examined and the prosecution expects them to be examined in 5 months.

7. Having heard learned counsel for the parties and taking into consideration the allegation against Sanjeev Yadav of having resorted to firing as a result of which Jai Krishna Yadav died together with the trial having commenced in the learned trial Court, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.



8. Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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