

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66109 of 2023

Arising Out of PS. Case No.-678 Year-2021 Thana- ARA NAGAR District- Bhojpur

Dabal Yadav Son Of Birendra Yadav @Birendra Kumar Yadav Resident Of
Village -Anand Nagar (Sarkari Bandh), P.S.- Ara Town, District- Bhojpur

... .. 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. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-11-2023 Heard Mr. Sanjeev Kumar, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

2. This is the second attempt made on behalf of the petitioner as earlier, the prayer for bail of the petitioner was rejected by this Court vide order dated 20.09.2022 in Cr. Misc. No. 17140 of 2022, taking into consideration the specific nature of accusation levelled against the petitioner that he along with others fired upon the father of the informant causing his death, which fact has also been corroborated by the post-mortem report, inasmuch as, the deceased has sustained 11 firearm injuries over his body. That apart, the petitioner bears four criminal antecedent, beside the present one.

3. Submission has been made on behalf of the petitioner that apart from the submissions which has been made



at the time of earlier prayer, it is also the fact that the statement of the informant was recorded under Section 164 Cr.P.C. , wherein, he has not made any allegation of any overt act against the petitioner. That apart, the informant was also examined during the course of trial and even in his deposition, he has not substantiated the allegation levelled in the FIR. He lastly submits that the petitioner has been incarcerated since 04.10.2021.

4. On the other hand, learned APP for the State vehemently opposed the bail application and submits that since the prayer of the petitioner has already been negated on the last occasion on merit and there is no overwhelming reason for re-consideration, that too, when the trial is at the last stage. He further submitted that as per his instruction all the witnesses, except the Investigating Officer of the case has been examined.

5. Considering the submissions made on behalf of the parties and taking note of the fact that the trial is at the fag end and is likely to be concluded in a short period of time, this Court is not persuaded to enlarge the petitioner on bail. However, it is made clear that the learned trial Court shall take all the endeavours to conclude the trial, as early as possible, preferably within a period of three months, failing which the petitioner is at



liberty to renew his prayer for bail before this Court.

6. Accordingly, the present bail application stands rejected.

(Harish Kumar, J)

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