

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74046 of 2023

Arising Out of PS. Case No.-186 Year-2020 Thana- MOKAMAH District- Patna

Mahesh Yadav, Son of Singeshwar Yadav, Resident of Village- Kanhaipur,
P.S. Mokama, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Ajit Kumar, Advocate
For the Informant	:	Mr. Prem Chandra Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 08-12-2023 Heard Mr. Rajesh Kumar, learned counsel for the petitioner and learned APP for the State. The informant is represented by Mr. Prem Chandra Yadav, learned counsel.

2. This is the second attempt made on behalf of the petitioner for grant of bail, who is in custody in connection with Sessions Trial No. 1057 of 2022, arising out of Mokama P.S. Case No. 186 of 2020, registered for the offences punishable under Sections 147, 148, 149, 323, 324, 325, 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Earlier the prayer for bail of the petitioner was turned down considering the fact that the prayer for bail of the other co-accused persons, having identical allegation, has already been rejected by the learned co-ordinate Bench of this



Court, apart from the fact that the petitioner is carrying 15 criminal antecedents over his head.

4. It is submitted on behalf of the petitioner that despite the fact that the charges have already been framed on 02.12.2022 and summons have been issued against the witnesses, till date only one witness has been examined. He next submits that even as per the allegation levelled in the F.I.R., there is no specific allegation against the petitioner, moreover, the criminal antecedent of a person cannot be a sole ground to reject his prayer for bail. He further submits that there is case and counter case and prior to the institution of this case, the wife of the petitioner had lodged Mokama P.S. Case No. 185 of 2020, which is on an earlier point of time with regard to the murder of the son of the petitioner.

5. On the other hand, learned counsel for the informant and the learned APP for the State vehemently opposed the bail application and submit that the co-accused persons, having similar allegation, had renewed their prayer for bail before the learned coordinate Bench of this Court, but the same has again resulted into rejection of their prayer for bail vide order dated 01.11.2023 in Cr. Misc. No. 22888 of 2023, the copy of which has been produced before this Court, which is



taken on record. He lastly submits that the long list of criminal antecedent of the petitioner speaks volume and might be one of the reason that witnesses are not being turned up.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the prayer of other co-accused persons, having similar allegation, have been negated by the learned coordinate Bench of this Court. Thus, in view thereof, the present bail application also stands rejected with a direction to the learned trial court to conclude the trial preferably within a period of six months from the date of receipt of a copy of this order, failing which the petitioner would be at liberty to renew his prayer for bail.

7. Accordingly, the prayer for bail of the petitioner stands rejected.

(Harish Kumar, J)

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