

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68596 of 2023

Arising Out of PS. Case No.-278 Year-2022 Thana- NARPATGANJ District- Araria

1. UPENDRA YADAV Son Of Anmol Yadav Resident Of Village - Bibiganj (Tamganj), Ward No.8, P.S. - Narpatganj, District - Araria
2. RANDHIR YADAV Son Of Upendra Yadav Resident Of Village - Bibiganj (Tamganj), Ward No.8, P.S. - Narpatganj, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Adv.

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 03-11-2023 1. Heard learned counsel for the petitioners and learned APP for the State.

2. Petitioners seek regular bail in connection with Narpatganj P.S. Case No. 278 of 2022, dated 16.06.2022 registered for the offences punishable under Sections 302, 120(B) read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. This is second attempt of the petitioners to get the relief of regular bail as their earlier prayer was rejected by this Bench vide order dated 14.02.2023 passed in Cr. Misc. No. 53046 of 2022 preferred by these petitioners.

4. The main submissions advanced by learned



counsel for the petitioners are that the main and fresh grounds on which the petitioners have again come before this Court for the relief of regular bail are, firstly their custody period and secondly, no significant progress in their trial as appears from the status report of petitioners' trial sent by the Trial Court and only one prosecution witness out of ten chargesheet witnesses has been examined till date despite the charges having been framed upon the petitioners on 24.02.2023 which shows the prosecution's lingering attitude in concluding the petitioners' trial. Further submissions are that the petitioners have got no criminal antecedent and have been languishing in jail since 17.06.2022 and the main and specific allegation of firing is against co-accused Rajiv Yadav and Chandra Shekhar Yadav and the informant's wife, who sustained injury and died subsequently is stated to have sustained firearm injury in the firing committed by the said co-accused persons and the allegation concerned to petitioners is completely general and omnibus.

5. Learned APP appearing for the State has opposed the prayer for bail of the petitioners.

6. Heard both the sides. Though there is a serious allegation against the petitioners but considering their custody



period and also, the status of their trial as appears from the report sent by the Trial Court which goes to show that out of ten chargesheet witnesses of the prosecution only one witness has been examined till the date of sending the said report, despite the charges having been framed upon the petitioner on 24.02.2023 which goes to show that the prosecution is very slow in producing and examining its witnesses and the petitioners have got no criminal antecedent and have been languishing in jail since 17.06.2022, in my opinion, in the said circumstances, petitioners now deserve to the privilege of bail. Accordingly, let the petitioners named-above be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Narpatganj P.S. Case No. 278 of 2022.

(Shailendra Singh, J)

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