

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67247 of 2022

Arising Out of PS. Case No.-106 Year-2020 Thana- KUMAR KHAND District- Madhepura

SIKENDRA YADAV Son of Late Laldhari Yadav R/v- Ramganj, P.S.-
Kumarkhand, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

Mr. Sushil Kumar Jha, Adv.

Mr. Pawan Kumar, Adv.

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-03-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 147, 148, 149, 341, 342, 447, 323, 307,
302, 354, 379, 504 and 506 of the Indian Penal Code and Section
27 of the Arms Act.

The petitioner is alleged to have opened fire upon the
brother of the informant which hit his left chest and left arm. It is
further alleged that the informant also sustained bullet injury on
his left thigh. Both of them are stated to be sent to the hospital
and during course of treatment, brother of the informant
succumbed to the injuries.

Earlier the prayer for bail of this petitioner has been
rejected vide order dated 29.01.2022 passed in Cr. Misc. No.
27994 of 2021 considering the case of the petitioner on merit.

The petitioner has renewed his prayer for bail by filing
the present application.



While considering the second prayer for bail of this petitioner, a report with regard to present stage of the trial has been called for by this Court vide order dated 07.12.2022 which has been received and forms part of this application at Flag-R. On perusal thereof, it would reveal that out of twelve charge-sheet witnesses, seven material witnesses have been examined and the case is pending for evidence of rest witnesses.

Learned counsel appearing for the petitioner referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future and the petitioner is languishing in judicial custody since 13.11.2020.

In view of the report of the learned court below and the fact that petitioner happens to be the assailant against whom direct allegation of firing is attributed causing death of brother of the informant, coupled with the fact that the trial of the case has got substantial progress and it seems to be concluded soon, this Court is not inclined to enlarge the petitioner on bail at this stage. Accordingly, the prayer for bail of this petitioner is rejected.

However, learned trial court is directed to expedite the trial and conclude the same.

(Rajesh Kumar Verma, J)

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