

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11178 of 2024

Arising Out of PS. Case No.-602 Year-2019 Thana- BUXAR District- Buxar

Yashdew Yadav @ Yasdev Yadav @ Jasdev Kumar Yadav S/o Late Khuti
Yadav R/o Vill - Lalganj, P.S. - Buxar (Muffasil) in the district of Buxar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar
For the State	:	Mr. Lalan Kumar
For the Informant	:	Mr. Kamal Kishore Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 30-08-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with S. Tr.
No.246/2019 arising out of Buxar (Town) P.S. Case No.
602/2019, registered for the offence punishable under Sections
147, 148, 149, 302 of the Indian Penal Code and Section 27 of
the Arms Act.

3. As per prosecution case, accusation against the
petitioner is that he alongwith others fired upon the informant's
brother namely Chitranjan Singh as a result of which he died on
the spot.

4. Learned counsel for the petitioner submits that on
13.10.2022 the bail of the petitioner has already been rejected



by this Court vide Cr. Misc. No.70591/2021. He further submits that the petitioner is in custody since 23.09.2021 and bears no criminal antecedent. There is specific allegation attributed to the co-accused Ranjeet Singh who fired upon the victim and the bullet hit the lower part of the ear of the victim.

5. The learned counsel for the informant as well as learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner by submitting that earlier bail prayer of the petitioner has been rejected on merit vide order dated 13.10.2022 passed by this Court vide Cr. Misc. No.70591/2021 and there is no fresh ground for bail. They further submit that postmortem report shows eight gunshot injuries on the body of the deceased and there is allegation of firing against five persons. They further submit that in para 88 of the case diary shows that the cause of death on account of fire arm injuries.

6. A report regarding stage of trial has been sought by this Court and in pursuance of the said direction, the trial court vide letter no.51/2024 has sent its report in which it has been mentioned that six witnesses have been examined and two witnesses are yet to be examined. The aforesaid report further reveals that the trial court has sought five to six months more to conclude the trial.



7. Considering the facts and circumstances of the case, keeping in view that earlier bail prayer of the petitioner has been rejected on merit as well as report of the trial court, I am not inclined to grant bail to the petitioner. Hence, prayer for bail of the petitioner stands rejected.

(Alok Kumar Pandey, J)

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