

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22499 of 2024

Arising Out of PS. Case No.-93 Year-2021 Thana- SATHI District- West Champaran

Manan Yadav, S/o Late Jhapas Yadav, Resident of Village - Basantpur, P.S.-
Sathi, District-West Champaran. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Adv. Ms. Bharti Rai, Adv.
For the State	:	Mr. Bhanu Pratap Singh, APP
For the Informant	:	Mr. Deovind Kumar Singh, Adv. Mr. Rambabu Yadav, Adv. Mr. Dharmesh kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 08-07-2024 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the informant.

2. The matter has been placed before this Court for
consideration of the petitioner's bail prayer made under Section 439
of Cr.P.C.

3. Petitioner seeks regular bail in connection with Sathi
P.S. Case No. 93/2021 dated 23.05.2021 registered for the offences
punishable under Sections 147, 148, 149, 341, 323, 447, 427, 307,
302 and 504 of the Indian Penal Code and Section 27 of the Arms
Act.

4. As per the prosecution story, present petitioner and four
co-accused persons came at the hut of the informant and started
uprooting the informant's hut and at that time, the present petitioner
and co-accused persons Lal Babu Yadav and Binod Yadav were



equipped with firearms and during that course, the present petitioner fired at Vinod Yadav who sustained firearm injury on his leg and thereafter, co-accused Vinod Yadav fired at Amar Yadav who sustained firearm injury on vital part of the body and fell down and thereafter, other co-accused persons started firing and three persons sustained firearm injury in the occurrence and two of them died.

5. Mr. Sanjeev Kumar, learned counsel for the petitioner submits that the petitioner earlier approached this Court for the relief of regular bail by filing Cr. Misc. No. 13543/2022 which was rejected on 30.08.2022 with giving a direction to the Judicial Magistrate concerned to commit the petitioner's case at the earliest and the trial court was directed to conclude the trial of the petitioner within next 1½ years but the case of the petitioner was committed on 18.01.2024 and the charges were framed upon him on 23.03.2024 which shows lingering attitude of the prosecution. Learned counsel further submits that a separate trial bearing Sessions Trial No. 53 of 2024, in connection with co-accused persons is going on, in which one material witness, namely, Mantu Kumar @ Mantu Kumar Yadav has been examined as P.W.-1, who has not deposed anything against this petitioner. Learned counsel further submits that the petitioner has been languishing in jail since 18.08.2021.

6. On the contrary, Mr. Deovind Kumar Singh, learned counsel for the informant has vehemently opposed the prayer of the petitioner and submitted that the instant matter relates to double



murder and against this petitioner, there is specific allegation of having fired at the deceased Vinod Yadav.

7. Mr. Bhanu Pratap Singh, learned APP appearing for the State has also opposed the bail prayer of the petitioner.

8. Heard both the sides and perused the materials. Though the case of the petitioner has been committed on 18.01.2024 but regarding the delay in commitment, there might be some reasons and the charges upon the petitioner were framed on 22.03.2024 and during the course of argument, the informant's counsel orally undertakes to produce and examine all non-official witnesses in the next one year. Considering this aspect as well as seriousness of the occurrence, this Court is not inclined to release the petitioner on bail at this stage. Accordingly, the **petitioner's bail prayer stands rejected with a direction to the trial court** to expedite the trial of the petitioner and examine all the non-official prosecution witnesses in the next one year and **the informant shall be bound with his above undertaking.**

9. The petitioner may renew his bail prayer after examination of the non-official prosecution witnesses or after one year from today.

(Shailendra Singh, J)

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