

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17804 of 2024

Arising Out of PS. Case No.-226 Year-2020 Thana- ASHTHAWAN District- Nalanda

GORELAL YADAV SON OF BALAK YADAV @ RAM BALAK R/O-
ASTHAWAN, P.O. AND P.S.-ASTHAWAN, DISTT.-NALANDA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pintu Kumar Patel, Adv.

For the Opposite Party/s : Mr.Ramchandra Sahni, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 19-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Asthawan P.S. Case No. 226 of 2020 / Session Trial No. 838 of 2021
registered for the offences punishable under Sections 341, 323, 325,
307 and 34 of the Indian Penal Code.

3. As per prosecution case, petitioner made
indiscriminate firing approx 15 round which hit the temple of the
informant's husband due to which he became unconscious and fell
down.

4. Learned counsel for the petitioner submits that the
bail of the present petitioner has already been rejected by this Court
vide Cr. Misc. 26420 of 2022 on 01.09.2022 with a direction to the
learned trial court to conclude the trial within nine months from the
date of receipt of this order. He further submits that petitioner is in



custody since 22.10.2021 and bears criminal antecedent of one case. He further submits that nine months have already been elapsed and the petitioner is still in custody and the delay of trial is not attributable to the petitioner as he is in custody since 22.10.2021, hence, petitioner deserves bail.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner by submitting that impugned order indicates that from perusal of para 16 and 48 of case diary it appears that the informant sustained gun shot injury and the injury is grievous in nature. Though, he has conceded the submission that earlier bail prayer of the petitioner has been rejected on merit vide order dated 01.09.2022 passed in Cr. Misc. No. 26420 of 2022 with a direction to the learned trial court to conclude the trial within nine months from the date of receipt of this order but petitioner does not deserve bail in the present case.

6. Vide order dated 20.03.2024, a report has been sought by this Court and in pursuance of the said direction, the trial court vide letter no. 34 of 2024 dated 03.04.2024 has sent its report in which it has been mentioned that all the prosecution witnesses has already been examined and Statement of the accused persons under Section 313 of Cr.P.C. has already been recorded. It further reveals that defence has been given opportunity to produce evidence.

7. Considering the facts and circumstances of the case, particularly 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. Accordingly, the prayer for bail of the petitioner is hereby rejected.

8. However, the learned trial court is directed to conclude the trial by putting the same on day to day basis.

(Alok Kumar Pandey, J)

alok/-

U		T	
---	--	---	--

