

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27876 of 2024

Arising Out of PS. Case No.-196 Year-2023 Thana- PASRAHA District- Khagaria

Kaushal Yadav S/o- Late Ravindra Yadav R/o Vill- Bandehra, P.S.- Pasraha,
Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivekanand Singh, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 06-09-2024 Heard learned counsel for the petitioner, learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with Pasraha
P.S. Case No. 196 of 2023 instituted for the offences under
Sections 302, 386, 120B, 34 of the Indian Penal Code.

3. Prosecution case, in short, is that the petitioner
along with other co-accused persons committed the murder of
son of the informant.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Learned counsel for the petitioner submitted that general and
omnibus allegation has been made against the petitioner. No
specific overt act is alleged against the petitioner. The specific



allegation of firing on the chest of the deceased is attributed to co-accused Tinku Yadav. Learned counsel for the petitioner further submits that co-accused Gandhi Yadav gave orders to kill the deceased. Learned counsel further submitted that the only allegation against the petitioner is that he opened fire which hit on the both hands of the deceased. Learned counsel further contended that the alleged occurrence took place due to previous land dispute between the parties. Learned counsel referring to paragraph no. 52 of the case diary submitted that statements of witnesses Swity Devi recorded under Section 164 of the Cr.P.C. are contrary to the allegation as levelled against the petitioner in the FIR. Learned counsel further submitted that similarly the statements of Hemraj Ranjan (Paragraph-53 of the case diary), who is the son of the informant recorded under Section 164 of the Cr.P.C. are also contradictory to FIR. The co-accused person has already been granted bail by this Bench vide order dated 21.02.2024 passed in Cr. Misc. No. 75314 of 2023. It has been submitted on behalf of the petitioner that the petitioner is in custody since 22.07.2023 and has four criminal antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned



APP further referring to paragraph nos. 6, 7, 8 and 9 of the case diary submitted that several witnesses have supported the case of prosecution and therefore, the involvement of the petitioner cannot be ruled out. Learned counsel, therefore, prays that the petitioner does not deserve to be released on bail.

6. Having considered the contentions made by both the parties and material placed on record, and taking into account the nature and gravity of offence, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for grant of bail of the petitioner is, hereby, rejected.

8. Learned trial Court is directed to conclude the trial as early as possible without any undue delay and unnecessary adjournments.

9. However, if the trial is not concluded within a period of one year, petitioner has liberty to move for grant of bail before the trial court itself, and the learned trial Court shall consider and dispose of the same on its own merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

Alok Verma/-

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