

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28851 of 2024

Arising Out of PS. Case No.-173 Year-2021 Thana- SAUR BAZAR District- Saharsa

Sanjeev Yadav @ Sanjeev Kumar, Son of Sadanand Yadav, Resident of
Village- Kanp (Purvi) Thengha Ward No. 3, Police Station- Sour Bazar,
District- Saharsa

... .. 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. Amitesh Kumar, APP
	Mr. Raja Ram Mishra, Advocate
	Mr. Raj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 12-07-2024

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Sessions Trial no.63 of 2022, arising out of Sour Bazar P.S. Case no. 173 of 2021 registered under sections 302, 307, 120B, 147, 148, 149, 341, 323, 324, 325 and 326 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, it is stated that as a result of the order given by one Vidyanand Yadav the accused persons including the petitioner herein resorted to firing as a result of which Jaikrishna Yadav sustained firearm injury and subsequently died.

5. It is submitted by learned counsel for the petitioner



that the petitioner has been falsely implicated in the case. The earlier prayers for bail of the petitioner were rejected vide orders dated 19.12.2022 passed in Cr. Misc. no.11369 of 2022 and dated 13.10.2023 passed in Cr. Misc. no.64100 of 2023. In spite of the petitioner having remained in custody since 13.7.2021, the trial has still not concluded. The petitioner undertakes to cooperate in the trial.

6. The application for bail of the petitioner is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant in reference to the deposition of the prosecution witnesses submits that the witnesses have supported the direct allegation against this petitioner of having fired upon the deceased. It is submitted that all the non-official witnesses have already been examined and only two Investigating Officers and the doctor remain to be examined.

7. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the FIR of having fired upon Jaikrishna Yadav as a result of which he died, the allegations having been supported by the prosecution witnesses and the progress in the trial, the Court is not inclined to enlarge the petitioner on bail and the application



is rejected.

8. Learned trial court is directed to expedite the trial.

9. The Superintendent of Police, Saharsa is directed to ensure the appearance of the official witnesses named in the charge-sheet in the learned trial Court to facilitate early conclusion of the trial.

10. Let a copy of this order be communicated to the Superintendent of Police, Saharsa for its due compliance.

(Partha Sarthy, J)

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