

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11532 of 2023

Arising Out of PS. Case No.-35 Year-2021 Thana- BELDOUR District- Khagaria

Krishna Kumar Yadav @ Krishna Kumar, S/o Mafat Lal Yadav @
Bhuvneshwar Yadav, R/o Village- Sakrohar, P.S.- Beldaur, Distt- Khagariya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 33159 of 2023

Arising Out of PS. Case No.-35 Year-2021 Thana- BELDOUR District- Khagaria

Kamal Kishor Malakar, son of Nandeo Malakar, resident of village -
Srkohana, P.S. - Beldaur, Distt. - Khagaria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 11532 of 2023)

For the Petitioner/s : Mr.Vibhakar Kumar, Advocate

For the Opposite Party/s : Mr.Harendra Prasad, APP

For the Informant : Mr. Bal Krishn Mishra, Advocate

(In CRIMINAL MISCELLANEOUS No. 33159 of 2023)

For the Petitioner/s : Mr.Vinod Kumar, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 25-10-2024 Heard learned counsel for the petitioners, the
informant and the State.

2. The two petitioners in these applications are seeking regular bail in connection with Beldaur P.S. Case No.35 of 2021 registered for the offences punishable under Sections 147, 148, 149, 302, 307, 323, 326, 448, 506 and 379 of the



Indian Penal Code and Section 27 of the Arms Act. Both have criminal antecedent of Alamnagar P.S. Case No.240 of 2020 for the offences under Section 302/34 of the IPC. The said case was registered for the murder of the son of the deceased in this case.

3. As per prosecution story, on 18.02.2021 at about 1:00 P.M., 8 accused persons along with 5- 6 unknown accused persons armed with deadly weapons came at the house of the informant and threatened the informant to withdraw the case. The informant and his family members hide themselves in a room. Ramkrishna Yadav, Balkrishna Yadav and Dharo Yadav fired with country-made pistol which hit the abdomen of the informant's mother. When informant's uncle came to rescue her, the accused persons fired upon him also as a result of which he sustained injury in his leg. Accused persons assaulted informant's mother with rod due to which her leg got injured. Further, accused persons assaulted family members of the informant with lathi/danda. It is alleged that mother of the informant died in course of treatment. Earlier accused persons had committed murder of informant's nephew and to threaten the informant to withdraw that case, accused persons has committed this occurrence.

4. Learned counsel for the petitioners submits that



earlier the prayer for regular bail of the petitioners was rejected by this Court with an observation that the trial be expedited, however, the trial has remained pending so far and it has not come to an end.

5. Mr. Vinod Kumar, learned counsel for the petitioner in Cr.Misc.No.33159 of 2023 has invited the attention of this Court towards depositions of PW-1, PW-2 and PW-3 in course of trial and has attempted to persuade this Court to appreciate the same in order to grant bail to the petitioner.

6. This Court is of the opinion that since the trial itself is on the verge of the closure, it would not be appropriate for this Court at this stage to appreciate the depositions of the prosecution witnesses in course of trial.

7. Learned counsel for the informant and the State have opposed the prayer for bail of the petitioners. It is submitted that the trial is on the verge of the closure. This Court had called for a report from the learned trial court and the same has been received which would show that only one prosecution witness was required to be examined for which a last opportunity has been given to the prosecution.

8. Having regard to the submissions noted hereinabove and the report of the learned trial court and further



finding that by filing a supplementary affidavit, the petitioner Krishna Kumar Yadav has disclosed that he has got five criminal antecedents, the trial being on the verge of the closure, this Court is not inclined to grant privilege of regular bail to them. Prayer is refused.

9. Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

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