

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38091 of 2024

Arising Out of PS. Case No.-249 Year-2022 Thana- SIKANDRA District- Jamui

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NAGENDRA YADAV @ NAGO YADAV SON OF JINESHWAR YADAV
VILLAGE- SUNDARBAD, PS- SIKANDRA, DIST- JAMUI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. P.N. Shahi, Sr. Advocate
		Mr. Ravi Kumar
For the Opposite Party/s	:	Mr. Raj Ballabh Singh
		Mr. Umesh Prasad
		Mr. Mrityunjay Kumar

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 20-12-2024 Heard learned senior counsel for the petitioner; Sri P.N. Shahi, learned APP for the State and the learned counsel for the informant; Sri Sanjeev Kumar.

2. This is the second regular bail application. Earlier the bail application of the petitioner was rejected vide Cr. Misc. No. 75374 of 2023 on 10.01.2024.

3. The petitioner seeks regular bail in connection with Sikandra P.S. Case No. 249 of 2022 registered for the alleged offences under Sections 148, 149, 341, 323, 324, 325, 307, 354(A)(B), 504, 506, 302 of the Indian Penal Code.

4. As per the prosecution case, the petitioner is alleged to have assaulted the deceased Reena Devi by farsa who died.



The petitioner is in jail since 30.04.2023.

5. It has been submitted by Mr. Shahi that co-accused Narendradeo Yadav @ Narendra Yadav @ Neeru Yadav having similar allegation has been granted bail. He further submits that the trial is delayed, therefore, the petitioner deserves bail.

6. Learned APP for the State and the learned counsel for the informant have vehemently opposed the prayer for bail.

7. Learned counsel for the informant has submitted that in the trial out of 11 charge-sheeted witnesses, 2 witnesses have been examined and it is the defence who is delaying the trial. He further submits that the defence lawyer is taking 2-3 days for cross-examining a witness and therefore the trial is being delayed. He further submits that the petitioner cannot take advantage of delay caused by the defence.

8. I have considered the submissions of the parties.

9. The petitioner is the assailant of the deceased. He is facing trial. Two witnesses have been examined. The prosecution is ready to examine the witnesses on the dates fixed.

10. In view of the above and in view of the law laid down by the Hon'ble Supreme Court in the case of *X vs. State of Rajasthan, 2024 SCC OnLine SC 3539*, I do not find it a fit case for grant of regular bail.



11. Accordingly, this application is hereby rejected.

(Sandeep Kumar, J)

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