

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61350 of 2024

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

TINKU YADAV SON OF LATE RAVINDRA YADAV R/O- VILALGE-
BANDEHRA, P.S.- PASRAHA, DISTT.- 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. Sanjay Kumar Tiwary, APP

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

ORAL ORDER

2 06-09-2024 Heard learned counsel for the petitioner and
learned APP for the State.

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 and Section 27 of the Arms Act.

3. Prosecution case, in short, is that the petitioner in connivance with other co-accused persons committed the murder of son of the informant. It is further alleged that this petitioner fired on the chest of the informant's son as a result of which he died on the spot.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. 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 upon the deceased. Learned counsel further contended that the alleged occurrence took place due to previous land dispute between the parties. 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 27.07.2023 and has five criminal antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP for the State submitted that there is specific allegation of firing on the chest of the deceased attributed to this petitioner and therefore, 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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