

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61422 of 2024

Arising Out of PS. Case No.-216 Year-2023 Thana- BAHADURPUR District- Darbhanga

Chandhash Yadav S/o- Sri Gartu Yadav Village- Taralahi PS- Bahadurpur
District-Darbhangha

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Yadav

For the Opposite Party/s : Ms. Rina Sinha

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 22-11-2024 Heard the learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail in connection with
Bahadurpur P.S. Case No. 216 of 2023 registered for the offence
under Sections 302, 307/34 of the Indian Penal Code and
Section 27 of the Arms Act.

3. The following order was passed on 03.01.2024 in
Cr. Misc. No. 65063 of 2023 by a co-ordinate Bench:-

“Heard learned counsel for the
petitioner, learned counsel for the informant and
learned APP for the State.

2. The petitioner has prayed for bail in
connection with Bahadurpur P.S. Case No. 216 of
2023 instituted for the offence under Sections 302,
307/34 of the Indian Penal Code and Section 27 of
the Arms Act.

3. As per allegation in the FIR, the
petitioner along with three co-accused persons are
said to have shot dead the cousin of the informant.
The informant also sustained injury in the said



incident.

4. Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. He has falsely been implicated in this case. According to the prosecution case, co-accused Garthu Yadav firstly fired upon the head of the deceased by his pistol due to which he died. It is also submitted that the petitioner is languishing in judicial custody since 23.5.2023.

5. Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail and submitted that the petitioner is named in the FIR who also along with co-accused Abhinash Yadav, Abhinandan Yadav and Garthu Yadav has specifically been alleged to fire upon the deceased Ravi Singh due to which he died. Postmortem report corroborates the prosecution case in which seven entry & seven exit wound have been mentioned which were caused by firearm. It is also submitted that the witnesses of this case have supported the prosecution version.

6. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

7. The trial Court is directed to expedite the trial and conclude the same as soon as possible. ”

4. It has been submitted by the learned counsel for the petitioner that the petitioner is in custody since 23.05.2023 and therefore he deserves bail.

5. The learned senior counsel for the informant; Shri Krishna Pd. Singh and the learned APP for the State have vehemently opposed the prayer of the petitioner and have submitted that the informant is ready to cooperate in the trial but because of the delaying tactics of the petitioner, the trial could not commence.



6. The learned senior counsel for the informant has further submitted that after rejection on 03.01.2024 in Cr. Misc. No. 65063 of 2023, a discharge application was filed in the Trial Court on behalf of the petitioner which has been dismissed recently and therefore, the trial could not commence. He further submits that the prosecution will cooperate in the trial and will produce the witnesses on the date fixed.

7. Considering the direct allegation against the petitioner and the fact that seven gun shot injuries have been found on the deceased, I am not inclined to grant bail to the petitioner, therefore, this application for bail is dismissed.

8. The Court below is directed to expedite the trial. If the trial is delayed by the prosecution, the petitioner may renew his prayer for bail.

Shishir/-

(Sandeep Kumar, J)

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