

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60803 of 2024

Arising Out of PS. Case No.-192 Year-2021 Thana- KEWATI District- Darbhanga

Dukhi Yadav @ Dukhi Kumar Yadav Son of LATE RAM NARAYAN
YADAV R/O-Village- Pathra, P.S.- Keoti, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Yogesh Chandra Verma, Sr. Advocate Ms. Priyanka Singh, Advocate Mr. Rabish Kumar, Advocate Mr. Adarsh Singh, Advocate Mr. Vikash Kumar, Advocate
For the Opposite Party/s :	Mr. Rajiv Nayan, APP Mr. Kundan Kumar Ojha, Advocate Mr. Neemani Raj, Advocate Mr. Dhananjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 4 26-10-2024 1. Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.
2. The petitioner has renewed his prayer for grant of regular bail in connection with Keoti P.S Case no.192 of 2021 registered under sections 302, 307, 147, 148, 149, 341, 323, 324, 379, 504 and 506 of the Indian Penal Code.
3. As per the prosecution case, the accused persons are said to have entered into a conspiracy and to have come, entered into altercation with the informant and others and it is stated that as a result of assault by the petitioner, the uncle of the informant died.
4. Learned Senior counsel appearing for the petitioner



submits that the earlier applications for bail of the petitioner were rejected vide orders dated 22.6.2023 passed in Cr. Misc. no.7469 of 2023 and dated 4.4.2024 passed in Cr. Misc. no.8181 of 2024 (Annexures 1 & 2). It is submitted that the allegations are general and omnibus in nature. In the last order of rejection dated 4.4.2024, this Court had taken note of the fact that the trial was not proceeding and directed the learned trial Court to conclude the trial within the stipulated period mentioned in the report and had given liberty to the petitioner to renew his prayer for bail. It is submitted that inspite of the petitioner having remained in custody for more than 2 years since 21.10.2022, there is no chance of the trial concluding in the near future. The petitioner undertakes to cooperate in the trial.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant. Learned counsel for the informant submits that as per instructions received, three witnesses have been examined on behalf of the prosecution and the cross-examination of the fourth witness is going on. Referring to the counter affidavit filed on behalf of the informant, the deposition of the witnesses brought on record therein as also to the deposition of P.W-4 the informant, certified copy of which is produced in the Court, it is submitted that there



is direct allegation, so far as this petitioner is concerned, of having twisted the neck of the informant's uncle leading to his death. It is submitted that so far as the unofficial witnesses on behalf of the prosecution is concerned, they will be examined as and when the date is fixed in the learned trial Court. Learned counsel submits that counter affidavit on behalf of the informant has been filed online and physical copy of the same is being filed in Court. Let the same be taken on record.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner, the contents of the statement of the witnesses specially P.W-3 and P.W-4 examined in course of trial wherein allegations have been levelled against this petitioner together with the progress in the trial, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Learned trial Court is directed to expedite the trial and to conclude the same at the earliest.

(Partha Sarthy, J)

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