

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66961 of 2023

Arising Out of PS. Case No.-387 Year-2021 Thana- NATHNAGAR District- Bhagalpur

JITIN YADAV Son of Kameshwar Yadav R/o vill - Kishanpur, P.S. -
Madhusudanpur, Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajendra Kumar Jain, Adv.

For the Opposite Party/s : Mr.Satya Nand Shukla, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 12-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Nathnagar (Madhusudanpur) P.S. Case No. 387 of 2021
registered for the offences punishable under Section 147, 149,
302 of the I.P.C., Section 27 of the Arms Act.

3. As per prosecution case, accusation against the
petitioner is that he fired upon the informant's son namely Raj
Kumar Yadav due to which he sustained injury and he was taken
to hospital where doctor declared him dead.

4. Learned counsel for the petitioner submits that
on 28.07.2022 the bail of the present petitioner has already been
rejected by this Court Vide Cr. Misc. 72534 of 2021. He further
submits that petitioner is in custody since 31.07.2021 and bears



no criminal antecedent. He further submits that petitioner has falsely been implicated in the case due to dirty village politics. He further submits that the informant is not eye witness rather his nephew Gulshan Kumar told the informant all the story as alleged in the F.I.R.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that earlier bail prayer of the petitioner has been rejected on merit vide order dated 28.07.2022 passed in Cr. Misc. No. 72534 of 2021. Learned A.P.P. further submits that there is direct allegation of firing against the petitioner which is quite evident from the statement of Gulshan Kumar, Varun Kumar and others and postmortem report also reveals that cause of death is due to firearm injury.

6. A report regarding stage of trial has been sought by this Court and in pursuance of the said direction, the trial court vide letter no. 98 dated 18.10.2023 has sent its report in which it has been mentioned that charge has been framed against all four accused persons on 17.10.2023 and summons have been issued to charge sheeted witnesses.

7. Considering the facts and circumstances of the case, particularly keeping in view that earlier bail prayer of the



petitioner has been rejected on merit as well as report of the trial court, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is hereby rejected.

8. However, the learned trial court is directed to expedite the trial as early as possible.

(Alok Kumar Pandey, J)

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