

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6051 of 2023

Arising Out of PS. Case No.-137 Year-2012 Thana- KHAJEKALA District- Patna

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Ajju @ Ajay Kumar Yadav @ Ajay Kumar Son Of Rameshwar Yadav R/O
Mohalla- Mithan Ghat Padri Ki Haweli Buxi Mohalla, P.S.- Khajekala, Distt.-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

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

ORAL ORDER

9 26-02-2024 Heard learned counsel for the petitioner and

learned APP for the State as also perused the case diary.

2. The petitioner seeks bail in connection with S.

Tr. No. 898 of 2022 arising out of Khajekalan P.S. Case No.

137 of 2012 (G.R. No. 1698 of 2012) instituted for the

offences under Sections 341/323/302/34 of the Indian Penal

Code and Section 27 of the Arms Act.

3. Pursuant to the earlier order of a Co-ordinate

Bench of this Court dated 07.11.202, the learned Additional

District & Sessions Judge-VI, Patna City has sent a report

dated 02.12.2023 to this Court, which is kept at Flag-R.

4. From perusal of the aforesaid report, it appears



that there are 12 charge-sheet witnesses and if the prosecution produces all the witnesses, the trial will be concluded within a period of six months.

5. As per prosecution case, on the pretext of Panchayati in the background of pendency of criminal cases amongst the parties since before, the Informant, Shashi Bhushan Singh along with his family members, Amit Kumar, Ajit Kumar and Dhiraj were called upon by Manoj through Gauri Shankar and at that very place, large number of persons indulged in assaulting them by means of rod, danda, brick-particles, fists & slaps and thereafter, Dhiru @ Dhiraj, Ajju @ Ajay (the petitioner), Sanjay, Dilip, Bablu and Sudhir shot at Dhiraj, Ajit and Amit who succumbed to their injuries.

6. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that there is an allegation of firing by seven accused persons upon three persons but, only a single fire-arm injury has been found on the body of one of the deceased/Amit and all other injuries



have been found to be caused by hard and blunt substance. He further submits that there is no specific and direct allegation against the petitioner rather the same is general and omnibus. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has altogether six criminal antecedents. The petitioner is languishing in judicial custody since 29.06.2022.

7. Learned counsel for the petitioner again submits that the accused persons namely Dinesh Singh, Gonu, Bhim, Gulabjal have been granted bail by a Co-ordinate Bench of this Court vide orders dated 24.01.2013, 22.02.2013, 22.05.2013 passed in Cr. Misc. Nos. 2616 of 2013, 5219 of 2013 and 5589 of 2013 respectively.

8. Learned A.P.P. for the State and the Informant has vehemently opposed the prayer for grant of bail to the petitioner and submits that charges have been framed. It is a case of triple murder. He has further stated that several witnesses have supported the case of the prosecution. There are six criminal antecedents of the petitioner and the petitioner is absconding since 2012.



9. The Informant has filed counter affidavit in which he has stated that the petitioner is a veteran criminal and an accused of several cases of serious offences. He has further stated that the petitioner was absconding from the course of justice and in the same case, other co-accused have already been convicted and sentenced and the petitioner is assailant of the said crime.

10. Considering the entire facts and circumstances of the case and taking into account the rival submissions made by the learned counsel for the parties as also after perusing the report sent by the court below, this Court is not inclined to grant privilege of bail to the petitioner.

11. Accordingly, the prayer for bail of the petitioner is hereby rejected with a liberty that if the trial is not concluded within a period of six months , the petitioner will be at liberty to renew his prayer for bail before this Court.

12. The court below is directed to expedite the trial and conclude the same within a period of six months from the date of receipt/production of a copy of this order.



13. The Superintendent of Police, Patna and the District Magistrate, Patna are also directed to ensure the presence of the witnesses during trial.

14. Let a copy of this order be sent to the Superintendent of Police, Patna as well as District Magistrate, Patna for the needful.

(Rudra Prakash Mishra, J)

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