

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2145 of 2024

Arising Out of PS. Case No.-15 Year-2023 Thana- KORMA District- Sheikhpura

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Devan Yadav SON OF PASHUPATI YADAV VILLAGE - PURAINA, P.S.-
KORMA, DIST.- SHEIKHPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar, Advocate
For the Opposite Party/s	:	Ms. Asha Kumari, APP
For the Informant	:	Mr. S.R. Haque, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 09-02-2024 Heard the parties.

2. The petitioner is in custody in connection with Korma P.S. Case No. 15 of 2023 for the offence punishable under Sections 147, 148, 149, 341, 342, 323, 324, 325, 307, 302, 120(B) of the I.P.C. and section 27 of the Arms Act lodged on 28.1.2023 by the informant Bilas Yadav.

3. The prosecution story, in brief, is that the informant Bilas Yadav has alleged that on 28.1.2023 while he along with his brother was returning after seeing the field and reached near the house of Rudal Yadav, he saw that the accuseds Devan Yadav, Rajnandan Yadav, Sakaldeo Yadav. Rabish Kumar, Pashupati Yadav, Sarjan Yadav and Pankaj Yadav surrounded them and Pashupati Yadav ordered to kill both the brothers upon



which, Devan Yadav, Rajnandan Yadav, Sakaldeo Yadav fired from rifle, gun and pistol which hit the neck and chest of Adalat Yadav as a result whereof, he fell down there. Thereafter, Sarjan Yadav on the order of Ravish, opened fire which hit the chest of the informant. Similarly, Pankaj Yadav also fired but the bullet passed over the head of the informant. Accordingly, the FIR.

4. Earlier the case of the petitioner was heard and rejected on 28.06.2023 in Cr. Misc. No. 32610 of 2023.

5. Again, a fresh application has been preferred whereafter a report was called for on 12.01.2024, which has since been received vide Letter no. 08/2024 dated 17.01.2024 which read as follows:

6. It is unfortunate that despite the petitioner being in custody, in a casual manner it has been mentioned that summons have been issued against the non-examined witnesses on 26.09.2023.

7. The further development of last four months have not been incorporated in the report.

8. Learned counsel for the petitioner submits that he has remained in custody since 29.01.2023 and unlike last time, he has incorporated the five criminal antecedent of the petitioner and as such, he deserves bail.



9. The learned counsel for the informant has provided another FIR vide no. 37/17 lodged by one Shyamdeo Yadav in which on serial no. 2, the name of this petitioner, Devan Yadav is appearing. He further submits that even now he has chosen to suppress this FIR in column 3 of the petition.

10. Considering the aforesaid facts as also that despite the rejection of the earlier bail petition on suppression of the facts, once again the petitioner chose not to give proper instruction to the learned counsel appearing on his behalf, for the present, this Court is not inclined to extend him the privilege of bail which is accordingly rejected.

11. However, in view of the fact that he is in custody since 29.01.2023, the trial court shall ensure that the left over witnesses be examined and the trial is taken to its logical conclusion within a period of six months from today.

(Rajiv Roy, J)

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