

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9104 of 2024

Arising Out of PS. Case No.-602 Year-2019 Thana- BUXAR District- Buxar

Basisth Yadav @ Vashishth Yadav SON OF LATE SARJU YADAV @
SARJU PRASAD YADAV RESIDENT OF VILLAGE- JAGDISHPUR, PS-
BUXAR MUFFASIL, DIST- BUXAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Neeraj Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 21-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Buxar Town P.S. Case No. 602 of 2019 registered for the
offences punishable under Sections 147, 148, 149, 302 of the
IPC and Section 27 of the Arms Act.

3. As per prosecution case, petitioner and others
are said to have fired pellet upon the victim as a result of which
the victim died on the spot.

4. Learned counsel for the petitioner submits that
on 04.08.2022 the bail of the present petitioner has already been
rejected on merit by this Court vide Cr. Misc. No. 8486 of 2022.
He further submits that petitioner is in custody since 23.09.2021



which is near about two years and nine months. He further submits that delay of trial is not in any way attributable to the present petitioner.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that there is specific allegation against the petitioner who fired upon the victim due to which he died on the spot and postmortem report fully supports the prosecution case. The bail prayer of co-accused, Yashwant Yadav, has already been rejected by the co-ordinate Bench of this Court and the case of the present petitioner stands on similar footing.

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. 03 dated 19.03.2024 has sent its report which reveals that only four witnesses are yet to be examined from the prosecution side.

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, trial court is directed to conclude the trial within one year from the date of receipt/production of copy of this order and if the trial is not concluded within aforesaid period, petitioner may renew the prayer for bail.

(Alok Kumar Pandey, J)

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