

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3850 of 2024

Arising Out of PS. Case No.-28 Year-2021 Thana- KOCHAS District- Rohtas

CHANDAN YADAV SON OF LATE KAMLESH YADAV RESIDENT OF
VILLAGE - SALATHUA, POLICE STATION - KUDRA, DISTRICT -
KAIMUR (BHABHUA)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raj Kumar, Advocate
For the State	:	Mr. Umesh Lal Verma, APP
For the Informant	:	Mr. Rajesh Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 10-05-2024 Heard Mr. Raj Kumar, learned Counsel for the
petitioner, Mr. Rajesh Kumar Mishra, learned Counsel appearing on
behalf of the informant and the State.

2. The petitioner is an accused in connection with S.Tr.
No. 535 of 2023 (arising out of Kochas (Parsathua O.P.) P.S. Case
No. 28 of 2021) registered for the offences under sections 302, 307,
120(B) and 34 of the Indian Penal Code and section 27 of the Arms
Act lodged on 28.02.2021 by the informant, Manjeev Mishra.

3. As per the prosecution story, the informant alleged that
in the evening when he was coming down stairs while his brother
(deceased) was coming in opposite direction, Chunnu Rai @
Sarvotam Kumar Rai and Niranjan Rai along with unknown accused
persons informed them he Sanjeev Mishra and thereafter the two
boys opened fire which hit his brother, the informant hide and as



such could save himself as the locals assembled, he took his brother to hospital but on way found him dead. Accordingly, the F.I.R.

4. Subsequently, investigation took place and the name of this petitioner cropped up as one of the accomplice.

5. Learned Counsel for the petitioner submits that though admittedly, trial has been concluded in the cases of some accused, he despite being in custody, the prosecution failed to conclude the same and he was remanded from other cases and is in custody since year 2022.

6. Learned Counsel for the informant, on the other hand, had taken this Court to paragraph-3 to show that he has number of criminal antecedent under his belt and further took this Court to the observation of the learned Sessions Judge to show that while the trial of the other accused persons were continuing, he chose not to co-operate in it and as such, his case was split up from other accused persons case, they were convicted and subsequently their bail application has also been rejected in the Cr. Appeal (DB) No. 1207 of 2023.

7. Though the petitioner is under the category of unknown accused, investigation has pointed fingers towards him, learned APP has rightly pointed out about the criminal antecedents, the fact that he despite being in custody chose not to co-operate in the trial which led to the split up Trial, others have been convicted and as per the information given by the learned Counsel for the informant, their bail application



also stands rejected in the Cr. Appeal, for the present, this Court is not inclined to extend him privilege of bail, which is accordingly rejected.

8. In view of the fact that he is in custody since the year 2022, the Trial Court is directed to expedite the trial and conclude the same preferably within a period of six months.

(Rajiv Roy, J)

Neha/-

U		T	
---	--	---	--

