

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3701 of 2024

Arising Out of PS. Case No.-2 Year-2023 Thana- BADHAILA District- Rohtas

Rajeev Kumar Yadav @ Lakadiya @ Ladakiya Son of Hazari Yadav @ Hajari Singh Resident of Village - Dahiyad, P.S. - Sasaram (Muffasil), District - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Adv.

For the Opposite Party/s : Mr.Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 24-06-2024 Heard learned counsel for the petitioner and learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with C.I.S. No./S.Tr. No. 527 of 2023 arising out of Baghaila P.S. Case No. 02 of 2023 instituted for the offences under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the accusation against the petitioner is of firing upon the deceased/niece of the Informant due to which she sustained serious gunshot injury, who later died in course of her treatment in the hospital.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case



only on the basis of suspicion. There is no eye-witness to the alleged occurrence and the entire prosecution case is based on the statement of Sonamuni Kumari. He further submits that the occurrence took place on 14.01.2023 at about 7.00 PM whereas the the F.I.R. was lodged on 15.01.2023 at about 3.00 PM without there being any plausible explanation for such delay. The petitioner has no criminal antecedent and is languishing in judicial custody since 16.01.2023 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner is named in the F.I.R. and the allegation made against the petitioner is serious in nature. The postmortem report supports the prosecution case. The witnesses in Para 11 & 12 of the case diary have also supported the case of the prosecution. Charge has already been framed in this case and the cognizance has also been taken.

6. From the report of the learned court below dated 09.04.2024, it appears that seven prosecution witnesses including the Doctor have been examined and only I.O. remains to be examined by the prosecution. It is also mentioned that the case is likely to be disposed off within two months, if the accused cooperates with the proceedings.



7. Considering the entire facts and circumstances of the case and also taking into account the report sent by the learned court below, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously preferably within a period of three months from today.

9. If the trial is not concluded within the aforesaid period of three months, the petitioner will be at liberty to renew his prayer for bail before the court below which will be disposed of on its merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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