

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5887 of 2025

Arising Out of PS. Case No.-936 Year-2021 Thana- SAHARSA SADAR District- Saharsa

Indal Yadav S/o Ganesh Yadav @ Ganeshi Yadav R/o Ghosam, Ward No.- 01,
P.S.- Simri Bakhtiyarpur (Kanariya O.P.), Distt.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Adv. Mr. Pawan Kumar, Adv.
For the Informant/s	:	Mr. Mahendra Thakur, Adv. Mr. Bhim Kumar Yadav, Adv.
For the Opposite Party/s	:	Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

6 08-07-2025 Heard Mr. Y.V. Giri, learned Counsel for the petitioner; Mr. Mahendra Thakur, learned counsel for the informant and Mr. Ganesh Prasad Singh, learned A.P.P for the State.

2. The petitioner seeks regular bail in a case registered for the offences punishable under Sections 147, 148, 149, 302, 201, 120B of the IPC and Section 27 of the Arms Act arising out of Saharsa Sadar P.S. Case No. 936 of 2021 registered for the offence u/s 302, 201, 120B/34 of the IPC.

3. As per the prosecution case, the informant has alleged that his son, namely, Gopi Kishan @ Chote Babu, was



pursuing a diploma in the civil branch at Milia College, Purnia, and had fractured one of his legs. It is further alleged that on 05.12.2021, between 2-3 PM, his son was killed near P.C.C. Road in a well-planned conspiracy hatched by co-accused Rajeev Paswan & Vikash Paswan (both sons of Banarsi Paswan) along with their relatives, including the petitioner, Indal Yadav, by causing firearm injuries to the deceased. It is further alleged that Vikash Paswan and Rajeev Paswan, along with their associates, had lifted the dead body and kept it at a distance of around 500 meters and later raised a hue and cry that it was Bhavesh Paswan who had shot the deceased. It is next submitted that this is the third attempt of the petitioner seeking regular bail before this Court. It has lastly been submitted that the informant, after performing the last rites of his son, then gave a written information on the next day, i.e., on 06.12.2021.

4. The learned Senior Counsel appearing on behalf of the petitioner submits that the petitioner has falsely been implicated nearly on suspicion as from the reading of the FIR, it would be evident that he is not an eye witness to the said occurrence. He next submits that the date of occurrence was 05.12.2021 and the FIR was lodged after more than delay of 25 hours on 06.12.2021. The learned Senior Counsel also points



out that from the perusal of the inquest report, it would be evident that the informant was present during the inquest and he has signed as a witness to the same, but he had not disclosed the name of the petitioner at the relevant time. He further submits that during the course of investigation, co-accused Bikash Paswan @ Vikash Paswan and his brothers Chandan Kumar @ Chandan Paswan and Rajeev Kumar @ Rajeev Paswan were arrested and in their confessional statement, the name of the petitioner has surfaced.

5. The learned Senior Counsel has referred to various orders of this Court, wherein co-accused persons were earlier granted bail and has submitted that the petitioner though has around 10 criminal antecedents, however he is in custody since 21.02.2022. He also submits that from perusal of the order dated 09.02.2024 passed in Cr. Misc. No. 84913 of 2023, it would be evident that this Hon'ble Court had directed the learned trial court to conclude the trial within six months, failing which, the liberty was granted to the petitioner to renew his prayer for bail.

6. Learned APP for the State as well as the learned counsel for the informant have vehemently opposed the prayer for bail application of the petitioner and have stated that earlier the applications of the petitioner has been rejected twice by this



Hon'ble Court and no fresh ground has been given by the petitioner barring the previous direction given by this Hon'ble Court. The learned counsel for the informant has stated that the trial is almost on the verge of completion and merely three witnesses remain to be examined. The learned counsel for the informant refers to an order dated 27.11.2024, passed in Special Leave Petition (Cr. No. 13378 of 2024), wherein the Hon'ble Supreme Court in Paragraph No. 14 has observed as under:

“14. Ordinarily in serious offences like rape, murder, dacoiti, etc, once the trial commences and the prosecution starts examining the witnesses, the Court be it the Trial Court or the High Court should loath in entertaining the bail application of the accused.”

7. The learned counsel for the informant has thus submitted that in view of this above and taking into account the trial is in progress, the petitioner should not be released on bail.

8. Considering the aforesaid submissions made by the parties and taking into account that the trial is almost at its fag



end, this Court is not inclined to release the petitioner on bail.

9. Accordingly, the present bail application is hereby rejected.

10. The learned trial court is directed to expedite the trial and as it appears from the report sent by the trial court, if any accused is not appearing in the trial, then his trial may be split-up and the present trial may continue as far as the petitioner and such other accused who are appearing is concerned. It goes without saying that the trial should be conducted on day-to-day basis and the learned trial court shall not grant unnecessary adjournments. It is further observed that if the trial court finds that the prosecution is delaying the completion of trial on one pretext or the other, it shall take necessary coercive action against the prosecution witnesses, if they fail to appear.

(Sourendra Pandey, J)

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