

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40281 of 2024

Arising Out of PS. Case No.-187 Year-2023 Thana- SIMRI District- Buxar

1. Ramawatar Yadav Son Of Late Harakh Nath Chaudhary @ Harakh Yadav Village- Tawkal Rai Ke Dera, Ps- Simari, Dist- Buxar
2. Ramjee Yadav Son Of Late Harakh Nath Chaudhary @ Harakh Yadav Village- Tawkal Rai Ke Dera, Ps- Simari, Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Yadav, Advocate
For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 27-01-2025 Heard the learned counsel for the petitioners and the learned APP for the State.

2. This is the 2nd attempt of the petitioners. Earlier the bail application of the petitioners was rejected *vide* order dated 08.11.2023 passed in Cr. Misc. No. 59920 of 2023.

3. The petitioners seek regular bail in a case registered for the offence under Sections 147, 149, 341, 323, 307, 337, 338, 504 and 506 of the Indian Penal Code.

4. The following order was passed on 08.11.2023 in Cr. Misc. No. 59920 of 2023:-

Heard learned counsel for the petitioners; Mr. Abhay Kumar, learned APP for the State and learned counsel for the informant.

2. The petitioners seek bail in connection with Simri (Hata O.P.) P.S. Case No. 187 of 2023 registered for the offence punishable under Sections 147, 149, 341, 323, 307, 337, 338, 504 and 506 of the Indian Penal Code and later on Section 302 of



the IPC was added.

3. As per the prosecution case, the petitioners and others are said to have assaulted the deceased.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. There is land dispute between the petitioners and informant's side.

5. A number of injuries have been found in the postmortem report. The petitioners are in jail since 08.06.2023.

6. Learned APP appearing for the State opposes the prayer for regular bail of the petitioners.

7. Considering the serious allegation levelled against the petitioners, I am not inclined to grant bail to the petitioners for the present.

8. Accordingly, the application stands dismissed.

9. The petitioners may review their prayer for bail if there is no sufficient progress in the trial.

5. It is fairly submitted by the learned counsel for the petitioners that in the trial out of 11 charge-sheeted witnesses, three witnesses have already been examined. He further submits that since the petitioners are in jail since 31.05.2023, the petitioners deserve bail.

6. The Hon'ble Supreme Court in the case of ***X vs. State of Rajasthan, 2024 SCC OnLine SC 3539*** has held as follows:-

16. We are of the view that the aforesaid is not a correct practice that the Courts below should adopt. Once the trial commences, it should be allowed to reach to its final conclusion which may either result in the conviction of the accused or acquittal of the accused. The moment the High Court



exercises its discretion in favour of the accused and orders release of the accused on bail by looking into the deposition of the victim, it will have its own impact on the pending trial when it comes to appreciating the oral evidence of the victim. It is only in the event if the trial gets unduly delayed and that too for no fault on the part of the accused, the Court may be justified in ordering his release on bail on the ground that right of the accused to have a speedy trial has been infringed.

7. In view of the law laid down by the Hon'ble Supreme Court in the case of *X vs. State of Rajasthan (supra)*, I am not inclined to grant bail to the petitioners.

8. Accordingly, this application for regular bail is hereby rejected. The court below is directed to expedite the trial of the petitioners.

9. The Superintendent of Police, Buxar is directed to ensure the appearance of the witnesses on the dates fixed.

10. Let a copy of this order be communicated to the Superintendent of Police, Buxar through FAX for its compliance forthwith.

(Sandeep Kumar, J)

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