

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73982 of 2024

Arising Out of PS. Case No.-106 Year-2024 Thana- LAXMIPUR District- Jamui

Tapeshwar yadav @ Sanjay Yadav @ Tapesar Yadav S/o- Sufal Yadav
Village- Maghi Ps- Laxmipur Dist- jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar Singh, Adv.
For the Opposite Party/s : Mr.Ahmad Ali, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 14-02-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Laxmipur P.S. Case No. 106 of 2024 instituted for the offences
under Sections 147, 341, 342, 302 of the Indian Penal Code and
Section 25 of the Arms Act.

3. As per prosecution case, the accusation against the
accused persons including the petitioner is of committing
murder of the Informants' wife namely Pabiya Devi. It is also
alleged that the accused persons also tried to kill the Informant
as well but, anyhow, he managed to flee away from the place of
occurrence.

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 due to previous enmity. The petitioner is the husband of the deceased and is also the Informant of the present case. The petitioner is not named in the F.I.R. and has falsely been implicated in the present case in course of investigation only and, that too, on the basis of the statements given by alleged eye-witness, namely, Madan Yadav under Section 161 of the Cr.P.C. Save and except the statement of the co-accused Madan Yadav, who is the brother of the deceased, there is nothing against the petitioner to implicate him in the present case. He further submits that the co-accused Madan Yadav, who is the brother of the deceased, had gone to jail on 15.04.2024 but, did not give any statement regarding occurrence but, surprisingly, after a period of about two months i.e. on 19.05.2024, he gave statement in jail stating therein that he had seen Sanjay Yadav (petitioner), Pramod Yadav and Sakindra Yadav of firing upon the deceased, which creates doubt in the present case. There is also no explanation as to why he gave such statement after a delay of about two months which itself falsifies the prosecution case. The petitioner has altogether 25 criminal antecedents out of which he has been acquitted in 17 of them and in rest 08 of



the cases, he is on bail. The petitioner is languishing in judicial custody since 02.06.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Sakendra Kumar @ Sakendra Kumar @ Sikandra Yadav @ Bhutta Yadav @ Sakindra Yadav has been granted bail by this Court vide order dated 18.11.2024 passed in Cr. Misc. No. 62559 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, alleging that the offence alleged against the petitioner is serious in nature. He further submits that though the petitioner is not named in the F.I.R. but, in course of investigation, one Madan Yadav, who is the brother of the deceased, has recorded his statement under Section 161 Cr.P.C. in which he has very categorically stated that he is the eye-witness of the occurrence and has seen the petitioner, co-accused Pramod Yadav and Satyendra Yadav committing murder of deceased Pabiya Devi. The postmortem report supports the prosecution case.

7. Pursuant to the earlier order of this Court, the learned court below has sent status report stating therein that there are 40 charge-sheet witnesses out of which 12 witnesses have been examined and 27 witnesses are left for examination.



The case record is fixed for remaining chief and cross examination of P.W.13 dated 07.01.2025. It has further been stated that the time likely to be consumed in concluding the trial is one year if all the stakeholders cooperate in the court proceedings.

8. Considering the nature and gravity of the offence as also taking into account the fact that the trial is already in progress, this Court is not inclined to grant bail to the petitioner.

9. Accordingly, the prayer for bail of the petitioner, above named, is rejected at this stage with a direction to the court below to expedite the trial and conclude the same expeditiously preferably within a period of six months from the date of receipt/production of a copy of this order. If the trial is not concluded within a period of aforesaid six months, the petitioner will be at liberty to renew his prayer for bail before the court below which will be decided on its own merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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