

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35456 of 2015

Arising Out of PS.Case No. -37 Year- 2013 Thana -ISHOPUR District- BHAGALPUR

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Sanjay Yadav, son of Ganouri Yadav, resident of village Daulatpur, P.S. Ishipur, Barahat, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Vikram Singh

For the Opposite Party/s : Mr. S.M.Rahman(App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 05-08-2015 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks bail in connection with Sessions Trial No. 300 of 2014 arising out of Ishipur Barahat P.S. Case No. 37 of 2013 registered for the offence punishable under section 376 of the Indian Penal Code.

The prayer for bail of the petitioner was earlier rejected by this Court vide order dated 24.09.2014 passed in Cr.Misc. No. 33964 of 2014.

It has been contended that though charges were framed under sections 376 and 342 of the Indian Penal Code on 26.05.2014, the prosecution could examine only one witness so far. The only witness examined in this case is one Vinod Yadav, who was examined, cross-examined and discharged on 9th

January, 2015 and since then no witness is turning up to adduce evidence.

Be that as it may, regard being had to the serious nature of allegation, I am not inclined to grant bail to the petitioner even though he is reported to be in custody since 17th December, 2013. Accordingly, the prayer for bail is rejected.

The trial court is directed to hold the trial on day to day basis and conclude the same as early as possible preferably within nine months from the date of receipt/production of a copy of the order, failing which the petitioner would be at liberty to renew his prayer for bail before the court below itself. In such an eventuality, the court below must assign reason for the delay in conclusion of the trial while disposing of the application for bail on merit.

(Ashwani Kumar Singh, J)

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