

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11565 of 2015

Arising Out of PS.Case No. -109 Year- 2004 Thana -NAUBATPUR District- PATNA

Hare Krishna Yadav @ Radha Yadav son of Dashrath Yadav, resident of
Azadnagar, P.S.- Naubatpur, District Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S.K.Mishra

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 25-05-2015

Heard.

Though the prayer for bail of the petitioner in connection with criminal prosecution registered under Section 302/34 of the Indian Penal Code as also under Section 27 of the Arms Act was earlier rejected by a Bench of this Court [Coram: Shyam Kishore Sharma,J, since superannuated] by order dated 20.02.2014 passed in Cr. Misc. No. 2169 of 2014 (Annexure-2) on the ground that the petitioner is the sole assailant of the deceased, but from the materials available on record it appears that the case of the petitioner was committed to the court of sessions in the year 2011 itself, giving rise to Sessions Trial No. 1633 of 2011, yet trial of the petitioner has not been concluded.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is in judicial custody since 01.03.2011 i.e. more than four years, yet trial has not concluded.

Taking into consideration the period of incarceration of the petitioner, this Court was inclined to accede to the prayer for bail made on behalf of the petitioner, but the trial of the petitioner has already commenced and he was absconding for about 7 years

since the date of lodging of the criminal case in the year 2004, therefore, this court restrains itself from passing such order, and instead of granting him bail at this stage, the learned trial court is directed to take up the trial of the petitioner on priority basis and all endeavours shall be made to conclude the trial within a maximum period of six months from the date of receipt/production of a copy of this order. However, if the trial of the petitioner is not concluded within the aforesaid period of six months, the learned trial court shall release the petitioner on bail in connection with S. Trial No. 1633 of 2011, arising out of Naubatpur P.S. Case No. 109 of 2004 (G.R. No. 793 of 2004) on furnishing bail bonds to his own satisfaction.

The application stands disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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