

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12039 of 2016

Arising Out of PS.Case No. -63 Year- 2013 Thana -AWTARNAGAR District- SARAN

=====

1. Yogendra Rai @ Yogendra Yadav S/o Late Tapi Rai R/o village -
Jhauwan, P.S. Awatar Nagar, Distt. - Saran at Chapra

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh

For the Opposite Party/s : Mr. M.K.Khare (App)

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 18-05-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 304B, 201/34 of the Indian
Penal Code.

Earlier the prayer for bail of the petitioner was twice
rejected by this court but while rejecting the prayer for bail of the
petitioner vide order dated 16.04.2015 passed in Cr. Misc. No.
48249 of 2014, this court directed the trial court to expedite the
trial of the petitioner and to conclude the same as early as possible,
preferably within nine months from the date of receipt/production
of copy of the aforesaid order and a liberty was given to the
petitioner to renew his prayer for bail, if his trial is not concluded

within the aforesaid period due to laches of the prosecution.

The impugned order goes to show that charge against the petitioner was framed on 02.04.2015 but even after lapse of one year, prosecution could not examine even a single prosecution witness.

No doubt, petitioner happens to be husband of the deceased and in course of investigation, some materials came against the petitioner but it is settled law that there is presumption of innocence at pre-conviction stage. Furthermore, I am of the opinion that no person can be detained in judicial custody for indefinite period in the name of trial.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-III, Saran at Chapra in connection with Awatar Nagar P.S. Case No. 63 of 2013 corresponding to Sessions Trial No. 760 of 2013.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

U		T	
---	--	---	--