

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4907 of 2016

Arising Out of PS.Case No. -875 Year- 2014 Thana -BIHTA District- PATNA

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1. Bhura @ Bhura Yadav @ Indradeo Prasad Yadav S/o Yogendra Yadav,
R/o Village- Dilawarpur, P.S.- Bihta, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jogendra Kumar, Advocate

For the Opposite Party/s : Mr. Ram Shankar Das (SPL.PP)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 28-09-2016 Heard learned counsel for the petitioner as well as

learned APP for the State.

At an earlier occasion, considering the merit of the case
coupled with rejection of prayer for bail of co-accused, Ram Jeet
Rai @ Ramji Rai vide Cr. Misc. No. 12108/2015, the prayer for
bail of the petitioner was rejected.

The instant petition has been filed on 15.12.2015 in
order to renew his prayer by the petitioner whereupon a report was
called for from the learned lower court. From perusal of the report,
it is evident that one witness, Akshay Kumar has already been
examined. With regard to remaining witnesses, the learned lower
court had taken proper steps.

Learned counsel for the petitioner has filed a web copy
of order dated 14.09.2016 passed in Cr. Misc. No. 53135/2015



wherefrom it is evident that bail has been granted to co-accused, Ram Jeet Rai @ Ramji Rai considering the submission made on behalf of petitioner that though charge has already been framed but no witness has turned up.

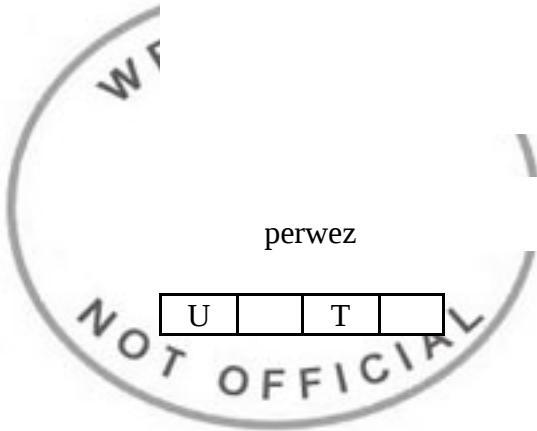
While the Court was dictating the order directing the Senior Superintendent of Police, Patna to produce witnesses and further directing the learned lower court to proceed with the trial on day-to-day basis after having appearance of the witnesses, the learned counsel for the petitioner insisted upon that once co-accused has been granted bail, petitioner should also be released on bail instead of passing the aforesaid direction.

The case of the petitioner stands on different footing than that of co-accused, Ram Jeet Rai @ Ramji Rai in the background of the fact that at an earlier occasion, during course of consideration of prayer for bail, Ram Jeet Rai @ Ramji Rai no witness was examined till then. However, at the present moment as is evident from the report submitted by the learned lower court, one PW has already been examined. That being so, this Court does not find this case fit for bail. Accordingly, the same is rejected.

However, the Senior Superintendent of Police, Patna is directed to produce the witnesses whereupon the learned lower court will proceed with the trial on day-to-day basis till its

conclusion.

Office to communicate.



(Aditya Kumar Trivedi, J)