

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32125 of 2016

Arising Out of PS.Case No. -127 Year- 2012 Thana -JAYNAGAR District- MADHUBANI

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1. Bechan Yadav, son of Late Mahabir Yadav
2. Ram Autar Yadav, son of Uchit Yadav
Both are residents of village - Khaira Tol, P.S. Jainagar, District -
Madhubani

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar

For the Opposite Party/s : Mr. Sri Bisheshwar Ram

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 18-08-2016 Heard Sri Ajay Thakur, learned counsel, who was

assisted by Sri Nilesh Kumar, learned counsel for the petitioners
and Sri Bisheshwar Ram, learned Addl. Public Prosecutor.

Two petitioners, who are in custody in Jainagar P.S.
Case No.127/2012 registered for the offence under Sections 147,
148, 149, 341, 323, 307, 504, 302 of the Indian Penal Code and
Section 27 of the Arms Act, have prayed for grant of bail.

Learned counsel for the petitioners submits that
earlier the petitioners were granted bail by this Court. However,
subsequently their bail bond was cancelled by this Court itself. It
has fairly been admitted that the order for cancellation of bail
passed by this Court was assailed before the Hon'ble Supreme

Court and the Hon'ble Supreme Court has dismissed the appeal preferred by the petitioners. In sum and substance, learned counsel for the petitioners submits that on merit this Court has granted bail. On the aforesaid ground, a prayer has been made for extending the privilege of bail.

Learned Addl. Public Prosecutor, opposing the prayer for bail of the petitioners, submits that earlier once bail order was cancelled by this Court itself, which was already approved by the Hon'ble Supreme Court, there is no reason to entertain the present petition.

Besides hearing learned counsel for the parties, I have also perused the materials on record. Since the order, whereby bail bond of the petitioners was cancelled by this Court, has already been approved by the Hon'ble Supreme Court, there is no reason to entertain the present petition. Moreover, after examining the order dated 03.06.2016 passed by the learned Addl. Sessions Judge-VII, Madhubani in Sessions Trial no.50/2013, by which their bail application has subsequently been rejected, it is evident that the trial is already continuing and four prosecution witnesses, who have been examined and discharged, have supported the prosecution case.

Since trial has already commenced, there is no

reason to entertain the present petition. The prayer for bail of the
petitioners stands rejected.

(Rakesh Kumar, J)

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