

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38136 of 2014

Arising Out of PS.Case No. -36 Year- 1996 Thana -MAGADH UNIVERSITY District- GAYA

=====

1. Jagan Yadav @ Jaggu Yadav S/o Late Ramdeo Yadav Resident of
village- Gangahar, P.S.- Magadh University, District- Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap (App)

=====

CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

6 24-02-2016

Perused the report sent by Sri Hasmuddin Ansari,

7th Additional Sessions Judge, Gaya and also the explanation of the Senior Superintendent of Police. This is a case in which the accused is in jail since 2.12.2005 i.e. for more than ten years and the delay is for the reason of non production of prosecution witnesses. It is, however, informed that the trial is being conducted and the accused is all along in jail for such a long years and the trial could not be concluded for the reason that the prosecution could not produce witnesses compelling the Court to issue directions several times for production of the witnesses showing agony of the High Court for non compliance of the order and delay in disposal of the case. It is a sorry state of affair. However, the explanation given by the Senior Superintendent of

Police, Gaya has also been received.

The explanation given by the trial court, though is not acceptable, but in view of the fact that most of the prosecution witnesses have already been examined and he has begged unqualified apology for the lapses on his part, the explanation is accepted.

However, it appears from the aforesaid report that all the prosecution witnesses have been examined in the case and some of the prosecution witnesses have died and, hence, the case is at the fag end of trial. Hence, I am not inclined to grant bail to the petitioner in connection with Sessions Trial No. 118 of 2012/85 of 2014 arising out of Magadh University P.S. Case No. 36 of 1996 pending in the court of the learned Ad-hoc Additional Sessions Judge III, Gaya. This application is, accordingly, rejected.

(Gopal Prasad, J)

Amin/-

U			
---	--	--	--