

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36112 of 2016

Arising Out of PS.Case No. -20 Year- 2010 Thana -KHAGARIA GRP CASE District- KHAGARIA

=====

Subodh Yadav Son of late Bhudeo Yadav Resident of Village- Dhrubganj,
P.S.- Kharik, District- Bhagalpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Satyendra Pandey

For the Opposite Party/s : Smt. Veena Kumari Jaiswal

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 23-11-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case, initially, registered for the offences punishable under Section 307 and other allied sections of the Indian Penal Code and Section 27 of the Arms Act and subsequently, Section 302 of the Indian Penal Code was added.

Earlier the prayer for bail of the petitioner was thrice rejected by this court taking note of allegation levelled against the petitioner and while rejecting the bail petition of the petitioner on 22.10.2014 in Cr. Misc. No. 38697 of 2014, it was noticed by this court that six prosecution witnesses including investigating officer and doctor had been left to be examined. It was also noticed by

this court that trial of the petitioner could not proceed as he had been sent to Naugachia Jail.

However, the trial court has reported that petitioner was produced in his court on 26.08.2016 from Naugachia Jail and still six prosecution witnesses including the doctor and investigating officer have been left to be examined.

It would appear that even after direction given by this court vide order dated 22.10.2014 in Cr. Misc. No. 38697 of 2014, the trial court could not succeed to proceed with the trial of the petitioner as the petitioner was lodged in Naugachia Jail and the jail authorities failed to produce the petitioner before the trial court. However, the trial court has sought six months time to conclude the trial of the petitioner, subject to condition of cooperation of both sides.

Petitioner is said to be main assailant and the ferdbeyan of informant appears to be his dying declaration and apart from this petitioner does have criminal antecedent of near about 17 cases.

Therefore, considering the aforesaid facts and circumstances as well as his criminal antecedent, again I am not inclined to release the petitioner on bail and hence, his prayer for bail in connection with Sessions Trial No. 126 of 2011 arising out

of Rail Naugachhiya P.S. Case No. 20 of 2010 pending in the court of 3rd Additional Sessions Judge, Khagaria stands rejected.

However, it is made clear that if prosecution fails to conclude its evidence within six months from the date of report of learned Additional Sessions Judge-III, Khagaria, the petitioner may renew his prayer for bail before the learned trial court and if he does so, the learned trial court shall pass appropriate order on the bail petition of the petitioner and if the trial court does not favour the petitioner, then in that circumstance, the trial court shall assign reason for that.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

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