

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34862 of 2016

Arising Out of PS.Case No. -117 Year- 2010 Thana -MADANPURA District- AURANGABAD

Sudarshan Yadav son of Sri Yugeshwar Yadav, resident of village-
Manjhar, Police Station - Madanpur, District Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Anand Singh, Advocate

For the Opposite Party/s : Smt. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH

ORAL ORDER

3 19-10-2016 Heard learned counsel for the petitioner and learned
counsel for State.

The petitioner has renewed his prayer for bail in connection with Sessions Trial No.319 of 2010/238 of 2015 arising out of Madanpur P.S. Case No.117 of 2010 registered under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prayer for bail of the petitioner has been rejected by this Court on several occasions. According to the First Information Report, the petitioner is alleged to have fired from a close range causing gun shot injury in the chest of the son of the informant as a result of which he died instantaneously.

It is submitted by the learned counsel for the petitioner

that, by now, the petitioner has remained in custody for over six years and there is no likelihood of conclusion of trial in near future.

On the other hand, learned counsel for the State has submitted that out of thirteen charge-sheeted witnesses, ten have already been examined during trial and one has died. Only two official witnesses i.e., investigating officer and the doctor, who had conducted postmortem examination, are to be examined before the trial court. She has submitted that the State would take necessary steps in order to examine the aforesaid two witnesses within four months.

Keeping in mind the gravity of the offence and the role assigned against the petitioner, I see no reason to take a different view of the matter. Accordingly, the application is dismissed.

The Superintendent of Police, Aurangabad is directed to ensure that the remaining two official witnesses are examined within next four months.

Let a copy of the order be communicated to the Superintendent of Police, Aurangabad.

(Ashwani Kumar Singh, J)

Md.S./-

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