

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47702 of 2016

Arising Out of PS.Case No. -318 Year- 2015 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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1. Mithilesh Yadav @ Mithlesh Yadav Son of Sri Kameshwar Yadav,
resident of Village- Danda Bazar, (Fazilpur), P.S. Goradih, District-
Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Janki Nandan Prasad

For the Opposite Party/s : Mr. Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 16-11-2016

Heard Mr. Janki Nandan Prasad for the petitioner

and Mr. Akbar Ali, APP for the State.

This is repeat application seeking bail in Kotwali
(Adampur) P.S. Case No. 318 of 2015 registered under Sections
395/397 of the Indian Penal Code and Sections 3 of the Explosive
Substance Act in which Section 312 IPC was later added.
Considering the allegations and the materials implicating the
petitioner in the crime, his prayer for bail was rejected by order
dated 14.12.2015 passed in Cr. Misc. No. 52336 of 2015
(Annexure-1). However, the petitioner was granted liberty to
renew prayer for bail if the trial does not record adequate progress
within 09 months. In the light of the said liberty, the present
application for bail has been filed.

A supplementary affidavit is filed. It has been submitted that the all the other co-accused of the case, including the father, have been released on bail.

On perusal of the statements made in the supplementary affidavit, it appears, the prosecution has examined 09 out of 12 charge-sheet witnesses. The trial has recorded adequate progress. In the opinion of the Court, the petitioner does not deserve bail. However, if there is undue delay in disposal of the Sessions Trial No. 595 of 2015, the petitioner shall have liberty to renew prayer for bail in the Court below which shall be considered and disposed of in accordance with law considering the period of incarceration already undergone by the petitioner as well as the attitude of the prosecution party.

The application is dismissed with the aforesaid observation.

(Kishore Kumar Mandal, J)

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