

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24701 of 2016

Arising Out of P.S. Case No. -52 Year- 2014 Thana -ATRI District- GAYA

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Mohan Yadav, Son of Late Ramdhani Yadav, Resident of Village -
Koyariachak, P.S. - Atri, District - Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate.

For the Opposite Party/s : Mr. B. Ram, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 07-12-2016

Heard both sides.

The petitioner seeks bail in Atri P.S. Case No.
52/2014 registered under Section 302 and other sections of the
Indian Penal Code.

The petitioner along with other accused persons is
alleged to have assaulted the father, mother, brother and sister of
the informant. Rameshwar Yadav and Kaushalya Devi (father and
mother of the informant) died due to the injuries sustained by them
on account of the assault made by the petitioner.

Learned counsel for the petitioner submits that the
prayer for bail of the petitioner was earlier rejected vide order
dated 29.04.2015 passed in Cr. Misc. No. 5245/2015 with a
direction to the trial court to expedite the trial and conclude the
same within one year. More than 1½ years have elapsed but the



trial has not yet been concluded. The learned Additional Sessions Judge V, Gaya has reported in his report that only two prosecution witnesses have been examined as yet and cross-examination of PW3 was fixed on 25.11.2016. Even after issuance of non-bailable warrant of arrest, the police did not produce the prosecution witnesses.

Considering the nature of allegation made against the petitioner that the petitioner and others indiscriminately assaulted the father, mother, brother and sister of the informant and two persons, i.e. father and mother of the informant, died, I am not inclined to enlarge the petitioner on bail in Sessions Trial No. 66/15, arising out of Atri P.S. Case No. 52/14. Accordingly, the prayer for bail of the petitioner is once again rejected.

Since the petitioner is in jail for more than 2½ years, the trial court is directed to hold the trial on day-to-day basis and conclude the same within six months from the date of receipt / production of this order.

The Senior Superintendent of Police, Gaya is directed to ensure attendance of the non-examined prosecution witnesses of Sessions Trial No. 66/15, arising out of Atri P.S. Case No. 52/14, on the date fixed in the court of the learned Additional Sessions Judge V, Gaya so that the trial must be concluded within six



months.

It is made clear that the trial court shall inform this Court if on any date the Senior Superintendent of Police, Gaya fails to produce any prosecution witness till the examination of all the non-examined prosecution witnesses.

If the trial is not concluded within six months, the petitioner may renew his prayer for bail.

Let a copy of this order be sent to the learned trial court as well as the Senior Superintendent of Police, Gaya for information and needful.

(Prabhat Kumar Jha, J)

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