

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7778 of 2017

Arising Out of PS.Case No. -80 Year- 2015 Thana -KOCH District- GAYA

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Sanjay Yadav, Son of Jai Prakash Yadav, Resident of Village- Barai, P.S.-
Anti, District- Gaya.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Satya Veer, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 01-03-2017

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in connection with Konch
P.S. Case No. 80 of 2015 registered inter alia under Sections
307, 384 and 212 of the Indian Penal Code and 25(1-B) (a), 26,
27 and 35 of the Arms Act, Section 17 of the Criminal Law
Amendment Act and 16,17, 18 and 20 of the U.A.P.A. Act.

The prayer for bail of the petitioner was earlier
rejected by this Court vide order dated 17.12.2015 passed in Cr.
Misc. No. 55903 of 2015 with observation that if the trial is not
concluded within nine months from the date of framing of



charge, the petitioner would be at liberty to renew his prayer for bail before the court below itself.

It is submitted by the learned counsel for the petitioner that the charges were framed in the case on 12th of January, 2016. As the trial did not conclude within nine months, the petitioner filed an application for bail before the trial court which was rejected vide order dated 28.10.2016.

Referring to the aforesaid order dated 28.10.2016, it is submitted that no reason has been assigned by the trial court for the delay caused in completing the trial and the expected time to be taken in completion of the trial. It is further contended that though there are ten charge-sheet witnesses, only five of them could be examined till 25th July, 2016. Thereafter, no witness was produced on behalf of the prosecution and, as such, the prosecution case was closed vide order dated 10.11.2016. However, subsequently on 15.12.2016, on an application filed on behalf of the prosecution, the aforesaid order dated 20.11.2016 was recalled and the case has again gone back to the stage of examination of witnesses on behalf of the prosecution. It is submitted that since then no witness has turned up before the trial court. He contended that the witnesses already examined before the trial court have not uttered a word against the



petitioner of the present case.

Opposing the application for bail of the petitioner, learned counsel for the State submitted that the prosecution is vigilant in conducting the case. He submitted that despite efforts taken by the prosecuting agency, the witnesses are not turning up before the trial court. However, he contended that three months further time be granted so that the witnesses on behalf of the prosecution may be examined.

Considering the submission made on behalf of the parties and the nature of the offence alleged, the prayer for bail of the petitioner is rejected for the present. However, if the prosecution fails to examine its witnesses within three months from today, the petitioner would be at liberty to renew his prayer for bail.

(Ashwani Kumar Singh, J.)

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