

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22583 of 2017

Arising Out of PS.Case No. -11 Year- 2016 Thana -ARIYARI District- SEKHPURA

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Rajesh Yadav, S/o late Sukhdev Yadav, Resident of Hussainabad P.S.
Ariayari, District Sheikhpura.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Anil Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 28-06-2017 Heard learned counsel for the petitioner and the

learned counsel representing the State.

The petitioner wants to renew the prayer of bail which was earlier rejected vide order dated 11.07.2016 passed in Cri. Misc. No. 16788 of 2016, on the ground that the petitioner is suffering in custody since 27.01.2016 and there is no specific allegation, the petitioner without any fault is suffering in custody. At present it can be a case under Section 304 part II of the I.P.C. and not under Section 302 of the I.P.C. Pappu Yadav co-accused having similar allegation has already been allowed bail vide Cr. Misc. No. 13147 of 2017 by order dated 12.04.2017. The petitioner has got no criminal antecedent and as alleged the occurrence took place on account of trivial dispute. The trial has



not been concluded within nine months and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of bail by submitting that three witnesses have named the petitioner and Ramesh Yadav as assailant.

In the facts and circumstances stated above, at present, finding no good ground for reconsideration of prayer of the bail, again prayer of the bail of the petitioner stands rejected in connection with Sessions Trial No. 72 of 2017 arising out Ariyari P.S. Case No. 11 of 2016 pending in the court of learned 1st Additional District & Sessions Judge, Sheikhpura.

However, the learned trial Court is again directed to expedite the trial and conclude the same preferably within four months, from date of receipt/production of a copy of this order, failing which if the petitioner at no fault, may be at liberty to renew his prayer for bail.

(Jitendra Mohan Sharma, J.)

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