

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52033 of 2017

Arising Out of PS.Case No. -319 Year- 2013 Thana -BODHGAYA District- GAYA

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Manoj Yadav Son of Sri Hardeo Yadav, Resident of Village-Khaira, Police
Station-Konch, District-Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Mrigendra Pratap Singh

For the Opposite Party/s : Mr. Sri Bal Mukund Prasad Sinha

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 15-11-2017 Heard both sides.

The petitioner seeks bail in Sessions Trial No.267 of 2014, 565 of 2014 arising out of Bodh Gaya (Cherki) P.S. Case No.319 of 2013 registered under Sections 302, 120b, 34 of the Indian Penal Code and under Section 27 of the Arms Act.

The prayer for bail of the petitioner was lastly rejected on 22.2.2017 with a direction to hold the trial on day to day basis and conclude the same. The S.S.P., Gaya was also directed to ensure the presence of attendance of all the non-examined prosecution witnesses of sessions Trial No.267/14/565/14 arising out of Bodh Gaya (Cherki) P.S. Case No.319 of 2013, but from the report of the District and Sessions Judge Incharge, it appears that the court in which Sessions Trial No.267/14/565/14 is vacant for last four



months. The Sessions Judge is also directed to transfer the case as soon as possible to a running court and the transferee court shall conclude the trial within three months from the date of receipt of the order.

The S.S.P., Gaya is also directed to ensure the examination of the non-examined witnesses.

Considering the nature of allegation that on the basis of confession of the petitioner, the motorcycle of the deceased was recovered from the house of the petitioner, I am not inclined to enlarge the petitioner on bail.

Accordingly, the prayer for bail of the petitioner is rejected. If the trial is not concluded by the transferee court within four months, petitioner may renew his prayer for bail.

Let a copy of this order be sent to the Sessions Judge as well as the Transferee Court and S.S.P., Gaya for information and needful.

(Prabhat Kumar Jha, J)

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