

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.46740 of 2017**

Arising Out of PS.Case No. -85 Year- 2014 Thana -BANGAON District- SAHARSA

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1. Amit Kumar Yadav @ Amit Kumar @ Amit Yadav Son of Ramchandra  
Yadav, Resident of Village-Sakra, Paharpur, P.S.-Simri Bakriyarpur,  
District-Saharsa ..... Petitioner

Versus

1. The State of Bihar ..... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Pramod Mishra, Adv.

For the Opposite Party : Smt. Asha Devi, APP 85

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR**  
**JHA**  
**ORAL ORDER**

4      15-11-2017

Heard Mr. Pramod Mishra, the learned counsel  
appearing for the petitioner and the the learned Additional Public  
Prosecutor.

The petitioner has filed this petition for grant of bail.  
The prayer for bail of the petitioner was earlier rejected twice.  
Firstly, on 25.06.2015, passed in Cr. Misc. No. 18400 of 2015 and  
secondly, on 27.07.2016, passed in Cr. Misc. No. 9071 of 2016  
with a direction to the trial Court to hold the trial on day-to-day  
basis and conclude the same within one year from the date of  
receipt/production of the aforesaid order, dated 27.07.2016. The  
petitioner, again, moved this Court for grant of bail only because  
the trial could not be concluded within one year from the date of  
production of the order, passed in Cr. Misc. No. 9071 of 2016. On  
such, the Superintendent of Police, Saharsa, was directed to appear  
in the Court. Report was also called for from the learned trial  
Court.

The learned trial Court reported that the petitioner,  
Amit Kumar Yadav @ Amit Kumar @ Amit Yadav, is not being  
produced from custody and, therefore, the evidence of the



witnesses could not be recorded. Amit Kumar Yadav @ Amit Kumar @ Amit Yadav, the petitioner shifted to Purnia Jail.

The Superintendent of Police, Saharsa, is present in Court and undertakes that he would produce all the witnesses within four months from today. Amit Kumar Yadav @ Amit Kumar @ Amit Yadav, the accused in custody, has already been shifted to Saharsa Jail from Purnia Jail.

Considering, the facts, aforesaid, and the nature of allegation, I am not inclined to enlarge the petitioner on bail, hence, the same is rejected.

If the trial is not concluded within four months, as undertaken by the Superintendent of Police, Saharsa, the petitioner may renew his prayer for bail after four months.

**(Prabhat Kumar Jha, J)**

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