

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12910 of 2017

Arising Out of PS.Case No. -20 Year- 2014 Thana -KATIHAR District- KATIHAR

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Rajesh Kumar Yadav @ Rajesh Yadav, son of Late Prakash Yadav, resident
of Muhalla Barmasia, Katihar Police Station Sahayak, District- Katihar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Mishra

For the Opposite Party/s : Mr. Ajit Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

03/ 06-12-2017

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has renewed the prayer for bail in
a case registered for the offences punishable under Sections
302/34 of the Indian Penal Code.

The prosecution case is that the petitioner and
co-accused Binod Yadav assaulted with dagger on the back of the
victim simultaneously and after that the petitioner repeated the
blow on the neck of the victim. The post-mortem reflects three
incised injuries on the person of the deceased. Out of three injuries
two have been found on the back, whereas the third injury was
found near the left ear.

It is submitted by learned counsel for the
petitioner that co-accused Binod Yadav has been granted bail by a



co-ordinate Bench of this Court vide order dated 24.04.2015 passed in Cr. Misc. No. 44400 of 2014. The order reflects the ground for grant of bail to Binod Yadav is that Binod Yadav did not commit any assault, whereas the accusation against the petitioner is that he assaulted the deceased. It is further submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 08.01.2014 and there is no likelihood of trial being concluded in near future.

Learned APP submits that the petitioner is the assailant of the victim.

The report of learned Additional Sessions Judge-I, Katihar dated 23.09.2017 reflects that out of 17 charge-sheeted witnesses, 8 witnesses have been examined and 9 are left to be examined and the processes have been issued for their production. Hence, the trial is likely to be concluded within eight months.

In view of the present stand of the trial, this Court is not inclined to revise the earlier order. It is expected from the learned trial Court conclude the trial of Sessions Trial No. 168 of 2014 arising out of Katihar (Sahayak) P.S. Case No. 20 of 2014 within the time frame transmitted to this Court.

However, if the trial will not be concluded within a period of six months, the petitioner is at liberty to renew



the prayer for bail.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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