

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46423 of 2016

Arising Out of PS.Case No. -244 Year- 2005 Thana -BARH District- PATNA

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1. Yogendra Prasad @ Yogendra Yadav @ Loha Singh, Son of Late Jagat Rai, R/o Village- Rajpura, P.S.- Athmalgola, District- Patna ... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prakash Chandra Agrawal

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh 1

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 15-02-2016 Supplementary affidavit has been filed on behalf of the petitioner annexing photocopy of order-sheet of S.T. No. 750 of 2015 to show that not even a single prosecution witness has been examined during six months, earlier only two prosecution witnesses have been examined, let it be kept on record.

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

The petitioner seeks bail in connection with Barh (Athmalgola) P.S. Case No. 244 of 2005 registered for the offences punishable under Sections 341, 323, 326, 338, 307, 302 & 427/34 of the Indian Penal Code.

The petitioner wants to renew the prayer of bail which was earlier rejected vide order dated 20.05.2016 passed in Cri. Misc. No. 15213 of 2016 on the ground that the petitioner is suffering in custody since 05.08.2015 and in near future the trial is not likely to be concluded, as prosecution is not producing the



witnesses and up till now two witnesses have been examined. Fardbeyan has been recorded on 03.08.2005 and First Information Report was registered on 05.08.2005 and the same was sent in the Court of Additional Chief Judicial Magistrate, Barh on 06.08.2005 and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. submits that the petitioner assaulted Mahesh Rai with iron rod repeatedly on his head and co-accused Balmiki Yadav assaulted with screw driver by inserting the same in his ear and also assaulted on back portion of the head and that Mahesh Rai died in P.M.C.H., Patna during treatment.

In the facts and circumstances stated above, finding no good ground for re-consideration of bail, again prayer of bail of the petitioner stands rejected in connection with Sessions Trial No. 750 of 2015 arising out of Barh (Athmalgola) P.S. Case No. 244 of 2005, pending in the Court of learned Additional Sessions Judge, II, Barh.

However, the learned trial judge is directed to expedite the trial and conclude the same as early as possible, preferably within a period nine months after keeping the same on priority basis.

(Jitendra Mohan Sharma, J)

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