

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57665 of 2017

Arising Out of PS.Case No. -77 Year- 2016 Thana -CHAND District- BHABHUA (KAIMUR)

=====

1. Prakash Yadav S/o Jai Ram Yadav Resident of village- Dughthua, P.S.-
Chand, District- Kaimur at Bhabhua

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Smt Renu Kumari

=====

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

4 07-02-2018

This case has been brought to be listed under the heading

“To Be Mentioned.”

Earlier vide order dated 20.12.2017, the prayer for bail of the petitioner has been rejected but, inadvertently, a report was ordered to be called for regarding the stage of trial from the court concerned.

In view of the above, order dated 20.12.2017 is rescinded and following order is being passed;

“Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner is in custody since 29.07.2016 in connection with Sessions Trial No. 509 of 2016 arising out of Chand P.S. Case No. 77 of 2016 registered under Sections 307, 341, 323, 324, 504 and 34 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that the petitioner, who is of clean antecedent, is innocent and has not



committed any offence. Earlier, the prayer for bail of this petitioner has been rejected vide order dated 04.04.2017 in Cr. Misc. No. 5438 of 2017. As per the report of Additional Sessions Judge-I, Bhabhua, Kaimur, it appears that charges have been framed in this case and the rest four prosecution witnesses, who happen to be informant, I.O. and the two doctors, have yet to be examined. Therefore, the trial of the case is not likely to be concluded in near future. Moreover, the petitioner has been rotting in judicial custody for the last 18 months.

Learned A.P.P. for the State has opposed the prayer for bail and submitted that there is direct allegation of assault against the petitioner resultantly the brother of the informant died. Moreover, no fresh ground is available to entertain again the bail application of this petitioner.

Considering the facts and circumstances of the case, this Court is not inclined to grant regular bail to this petitioner at this stage. Accordingly, the prayer for bail of this petitioner is rejected.

However, the trial court is directed to conclude the trial preferably within a period of three months from the date of receipt of a copy of this order.”

(Arvind Srivastava, J)

brajesh/-

U		T	
---	--	---	--

