

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 53262 of 2017

Arising Out of PS. Case No.-80 Year-2014 Thana- Basopatti District- Madhubani

Vijay Yadav @ Bijay Yadav S/o Late Kamdev Yadav, R/o Village- Narkatiya,
P.S.- Basopatti, District- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 03-01-2018 Heard Sri Sanjay Kumar, learned counsel for the petitioner and Sri Pranav Kumar, learned Addl. Public Prosecutor.

This is the 2nd attempt for grant of bail on behalf of petitioner. The petitioner is in custody in Basopatti P.S. Case No. 80 of 2014, G.R. No. 1301 of 2014 registered for offence under Sections 376, 323, 341, 34 of the Indian Penal Code and subsequently, Section 4 of the POCSO Act (Protection of Children from Sexual Offences Act, 2012) was added, has renewed his prayer for bail. Earlier, the prayer for bail of petitioner was rejected on 11-07-2016, vide Cr. Misc. No. 26715 of 2016.

Learned counsel for the petitioner submits that petitioner is in custody since 05-06-2014 without any trial and as such, he submits that petitioner deserves to be released on bail.



In this case, earlier, by order dated 29-11-2017, a report was called for from the court below, which has been received and kept at flag 'A'. The report, contained in letter no. 408 dated 20-12-2017, makes it clear that framing of charge has been delayed due to the reason that number of petitions were filed on behalf of the accused persons for discharge. Earlier, on behalf of petitioner also discharge petition was filed, but it was never pressed and finally, it stood dismissed. Thereafter, one another accused had filed discharge petition, on which, after hearing, order was reserved.

Considering the fact that accused persons themselves, on one reason or the other, have delayed the framing of charge, there is no reason to review my earlier order.

The prayer for bail again stands rejected.

Considering the fact that petitioner is in custody since 05-06-2014, while dismissing, it is desirable to observe that the learned trial court may take appropriate step so that the case may come to its logical end without unnecessary delay.

(Rakesh Kumar, J.)

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