

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70462 of 2018

Arising Out of PS. Case No.-117 Year-2010 Thana- MADANPUR District- Aurangabad

Sudarshan Yadav S/o Yugeshwar Yadav @ Jageshwar Yadav @ Yogeshwar
Yadav, R/o Village Manjhar @ Manhar, P.S. Madanpur, District- Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Murari Mishra

For the Opposite Party/s : Mr. Sri Anuj Kumar Srivastava

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 28-11-2018 By way of the present application preferred under
Section 439 of the Code of Criminal Procedure, the petitioner
has renewed his prayer for bail in connection with Sessions Trial
No. 319/139 of 2010/110 of 2017 arising out of Madanpur
P.S.Case No. 117 of 2010 pending in the court of F.T.C.-VI,
Aurangabad.

It is submitted by the learned counsel for the
petitioner that though the petitioner is in custody since
17.06.2010, the trial has not concluded till date. He submitted
that earlier this Court had rejected the prayer for bail of the
petitioner vide order dated 07.05.2014 passed in Cr.Misc. No.
3140 of 2014. The second application filed for grant of bail was
also rejected vide order dated 19.10.2016 passed in Cr.Misc. No.



34862 of 2016, but while rejecting the prayer for bail, this Court had observed that since the doctor and the investigating officer were left to be examined, the Superintendent of Police, Aurangabad shall ensure that those witnesses are examined within next four months. He contended that despite such direction only the investigating officer was examined on 04.02.2017, but the doctor has not yet been examined.

On the other hand, learned counsel for the State submitted that the offence alleged against the petitioner is under Section 302 read with 34 of the Indian Penal Code and Section 27 of the Arms Act. He contended that on merits the prayer for bail of the petitioner has been rejected twice by this Court and there is no fresh material for reconsideration of bail.

Be that as it may, an under-trial prisoner cannot be kept in jail for an indefinite period. As the prosecution has failed to examine all its witnesses for such a long time, I am of the opinion that the petitioner, who is in custody since 17.06.2010, deserves to be released on bail. Accordingly, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned F.T.C.-VI, Aurangabad in connection with Madanpur P.S.Case No. 117 of



2010 corresponding to Sessions Trial No. 319/139 of 2010/110
of 2017.

The application stands allowed.

(Ashwani Kumar Singh, J)

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