

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21782 of 2018

Arising Out of PS. Case No.-11 Year-2016 Thana- ARIYARI District- Sheikhpura

Rajesh Yadav, S/o Late Sukhdeo Yadav, R/o Vill.- Husainabad, P.S.- Ariyari,
District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 18-04-2018 Heard learned counsel for the petitioner and the learned
counsel representing the State.

The petitioner wants to renew the prayer of bail which was earlier twice rejected vide order dated 11.07.2016 and 28.06.2017, passed in Cri. Misc. No. 16788 of 2016 and 22583 of 2017 respectively, on the ground that the petitioner is suffering in custody since 27.01.2016.

There is no specific allegation, at best, it can be a case under Section 304 (2) of the IPC. Pappu Yadav, co-accused having similar allegation has already been allowed bail vide Cr. Misc. No. 13147 of 2017, by order dated 12.04.2017. The petitioner has got no criminal antecedent and as alleged that the occurrence took place on account of trivial dispute. The trial has



not been concluded within four months, which is evident from the impugned order itself, and as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of bail by submitting that three witnesses as named in the FIR have stated that the petitioner assaulted the husband of the informant Ishwar Yadav.

In the facts and circumstances stated above, finding no good ground for reconsideration of prayer of the bail, again prayer of the bail of the petitioner stands rejected in connection with Sessions Trial No. 72 of 2016, arising out of Ariyari P.S. Case No. 11 of 2016, pending in the court of learned 1st Additional District & Sessions Judge, Sheikhpura.

However, the learned trial Court is directed to expedite the trial and conclude the same preferably within two months, from date of receipt/production of a copy of this order, failing which if the petitioner at no fault, may be at liberty to renew his prayer for bail.

(Jitendra Mohan Sharma, J)

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