

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13939 of 2018

Arising Out of PS.Case No. -77 Year- 2006 Thana -ISLAMPUR District- NALANDA
(BIHARSHARIFF)

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Binesh Yadav, Son of Nathun Yadav, Resident of Village- Pacholowa,
Police Station- Islampur, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh, Advocate.

For the Opposite Party/s : Mr. Dinesh Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 25-04-2018

Heard learned counsel for the petitioner and the State.

Prayer for bail of this petitioner was earlier rejected by this Court vide order dated 25.04.2017 passed in Cr. Misc. 11115 of 2017 with liberty to the petitioner to renew his prayer for bail in the court below after nine months.

There is specific allegation against the petitioner of causing fire arm injury with rifle on the neck of the wife of the informant, who died on the spot.

Report was called for from the court below which has been received. From perusal of the report, it appears that after conclusion of prosecution evidence, the statement of co-accused Lal Babu Yadav and Ranjit Yadav has been taken under Section 313 Cr. P.C. Thereafter, one petition was filed by the Prosecution



under Section 311 Cr. P.C. for examination of Doctor and witness of Post mortem examination report. The case is pending for evidence of aforesaid two witnesses under Section 311 Cr. P.C.

In such circumstances, it appears that trial is almost at final stage.

Therefore, this Court is not inclined to grant bail to the petitioner at this stage.

Prayer for bail of the petitioner stands rejected.

The trial court is directed to conclude the trial positively within a period of six months from the date of receipt of this order by fixing the date on day-to-day basis and send compliance report to this Court.

The petitioner is given liberty to renew his prayer for bail in the court below itself in the event the trial is not concluded within a period of six months, which shall be considered by the court below in accordance with law without being prejudiced by this order. The court below will also give reason in the bail order for not concluding the trial within aforesaid period.

(Sanjay Priya, J)

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