

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6246 of 2019

Arising Out of PS. Case No.-276 Year-2015 Thana- FATUA District- Patna

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Birendra Prasad @ Birendra Prasad Yadav, age about-35 Years (Male) Son of
Sri Ramanand Prasad @ Ramanand Rai Resident of Mohalla- Narayan, P.S.-
Fatuha, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Prasad
For the Opposite Party/s : Mr. Nityanand

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 13-02-2019 Heard learned counsel for the petitioner, learned

counsel for the informant as well as learned Additional Public

Prosecutor for the State.

Petitioner seeks bail in a case registered for the

offences punishable under Section 302 and other allied sections

of the Indian Penal Code and 27 of the Arms Act.

Earlier the bail prayer of the petitioner was rejected

several times by this court but lastly while rejecting the bail

prayer of the petitioner, this court directed the trial court to

conclude the trial of the petitioner within the time as framed by

the learned trial court itself.

However, it is informed on behalf of the informant

that the prosecution has already closed its case and the trial of



the petitioner is pending for recording the statement under Section 313 of the Cr.P.C.

Learned counsel appearing for the petitioner points out that after closure of the prosecution evidence, the prosecution filed a petition under Section 319 of the Cr.P.C. with an object to delay the trial of the petitioner. He further submits that however, the learned trial court rejected the aforesaid petition filed under Section 319 of the Cr.P.C. but the informant has preferred criminal revision petition against the aforesaid rejection order of the trial court and the aforesaid criminal revision petition is still pending before this court. He submits that the aforesaid fact clearly suggests that there is no possibility of conclusion of trial of the petitioner in near future.

Regard being had to the above stated facts and circumstances as well as submissions of the parties, again I am not inclined to release the petitioner on bail and accordingly, his prayer for bail in connection with Fatuha P.S. Case No. 276 of 2015 corresponding to Sessions Trial No. 774 of 2016 stands rejected.

However, the learned trial court is directed to conclude the trial of the petitioner within four months from the date of receipt/production of copy of this order, unless any stay



is brought in respect of further proceeding of trial of the
petitioner.

(Hemant Kumar Srivastava, J)

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