

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75773 of 2018

Arising Out of PS. Case No.-71 Year-2016 Thana- BARHAT District- Jamui *

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Pankaj Kumar Yadav @ Pankaj Yadav, Son of Muneshwar Yadav @ Mannu Yadav, Resident of Village- Maheshpur, Police Station- Piri Bazar, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 27-02-2019 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in **Barhat P.S. Case No. 71 of 2016**, instituted for the offence under Section(s) 353, 120B, 121, 121A of the Indian Penal Code, Sections 25(1-B)A, 26, 27 of the Arms Act, Sections 16, 18, 20, 21 of UPA Act and Section 3/4 of Explosive Substance Act.

Counsel for the petitioner submits that petitioner is in custody since 16.12.2016.

Report about present stage of trial was called for from the court below which has been received.

From the report it appears that petitioner has not been produced before the court below after commitment of the



case. He was produced before the court from jail on 31.07.2017, but after commitment, he was not produced before the court below by the jail authority. A letter was issued to the Jail Superintendent to produce the custody accused Pankaj (petitioner). The court was informed by the Superintendent of Police, that petitioner is in custody since 7.8.2017 in other case in Lakhisarai Jail. The court below has mentioned in the report that in absence of custody accused Pankaj Kumar Yadav (petitioner), charge has not been framed as yet.

In such circumstances, this Court does not find any laches on the part of the court. It appears that due to absence of the petitioner in the court during trial since 2017, charge has not been framed as yet.

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

Prayer of the petitioner for grant of bail stands rejected.

The court below is directed to take steps for expeditious disposal of the case. The court below will direct the concerned Superintendent of Police to produce the petitioner on next date fixed for framing of charge. The court below will make efforts to expedite the trial and conclude the



same as early as possible preferably within a period of nine months from the date of receipt of this order.

(Sanjay Priya, J)

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