IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 68348 of 2018
Arising Out of PS. Case No.-74 Year-2016 Thana- Buxar (Town) District- Buxar

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Anil Yadav, Son of Nathuni Yadav, Resident of Village- Budhanpurwa, Police Station- Buxar (Town), District- Buxar (Bihar).

... ... Petitioner

Versus

The State of Bihar.

... ... Opposite Party

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Appearance :
For the Petitioner/s : Mr. Pratik Mishra, Advocate
For the Opposite Party/s : Mr. Madan Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

2. 02-01-2019 Heard Sri Pratik Mishra, learned counsel for the petitioner and Sri Madan Kumar, learned Addl. Public Prosecutor.

This is the 4th attempt for grant of bail on behalf of the petitioner in Sessions Trial No. 287 of 2017, arising out of Buxar (Town) P.S. Case No. 74 of 2016 (G.R. No. 421 of 2016) registered for offence under Sections 341, 147, 148, 149, 302, 326 & 120(B) of the Indian Penal Code and Section 27 of the Arms Act, 1959.

Learned counsel for the petitioner submits that on 3rd occasion, while the prayer for bail of this petitioner was rejected, this Court had directed the court below to take appropriate step for logical end of the case, however; despite direction of this Court, till date only three prosecution witnesses have been examined out of nine witnesses. He further submits that some of the other accused persons, against whom there was serious accusation than the petitioner, have already been granted

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bail. He submits that petitioner is languishing in jail since 22-03-2016. Meaning thereby that petitioner has already remained in custody for about 2 years and 9 months. On aforesaid ground, he has prayed for grant of bail.

Besides hearing, I have also perused the material on record, particularly the initial order i.e. order dated 17-10-2016 passed in Cr.Misc. No. 40597 of 2016 whereby for the first occasion the prayer for bail of this petitioner was rejected. On 3rd occasion i.e. on 14-03-2018 (in Cr. Misc. No. 14595 of 2018), while rejecting the prayer for bail, considering the fact that in the case, charge was already framed, this Court observed that the learned court below may take appropriate step so that the case may come to its logical end without unnecessary delay. After rejection of the prayer for bail on last occasion i.e. on 14-03-2018, as submitted by learned counsel for the petitioner, out of 9 chargesheeted witnesses, 3 witnesses have already been examined. Meaning thereby that trial is going on. Accordingly, there is no reason to review my earlier order.

The prayer for bail again stands dismissed.

(Rakesh Kumar, J.)

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