

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72938 of 2018

Arising Out of PS. Case No.-170 Year-2015 Thana- SINGHESHWAR District- Madhepura

Prabhash Yadav @ Prabhash Kumar Son of Lalo Yadav @ Lalo Prasad Yadav
Resident of Village-Kabiyahi, P.S. Shankarpur, Distt.-Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Opposite Party/s : Mr. Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 09-01-2019 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Singheshwar P.S. Case No. 170 of 2015 instituted for the offence under Section(s) 394 of the Indian Penal Code. Later on, Sections 302 and 27 of the Arms Act were added.

The prayer for bail of the petitioner was earlier rejected twice by co-ordinate Bench of this Court vide Cr. Misc. nos. 7825 of 2016 and Cr. Misc. no. 25304 of 2018. The co-ordinate Bench of this Court, while rejecting the prayer for bail of the petitioner on 20.06.2018 vide Criminal Misc. No. 25304 of 2018 had directed the court below to conclude the trial within a period of four months, failing which the petitioner, if at no fault, may be at liberty to renew his prayer for bail.



A report was called for from the court below which has been received. From perusal of the report, it appears that trial has still not been concluded.

Learned counsel for the petitioner submits that petitioner is in custody since 14.11.2015. Petitioner is not named in the written report. His name has come during investigation along with co-accused Munna Kumar as the witnesses identified them vide paragraphs 8 and 9 of the case diary. Thereafter, the police recorded confessional statement of this petitioner.

From the report of the trial court, it appears that the case was fixed for judgment on 28.11.2017. Again, on the basis of petition filed under Section 311 Cr.P.C. on behalf of prosecution the case has been posted for evidence and the case is still pending for evidence.

In such circumstances, keeping in view the period of custody already spent by the petitioner and the fact that despite specific direction of co-ordinate Bench of this Court vide order dated 20.06.2018 passed in Criminal Misc. No. 25304 of 2018 to conclude the trial within a period of four months, the Court below has not complied the same, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.



10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the ADJ 1st Madhepura, in connection with Singheshwar P.S. Case No. 170 of 2015, Sessions Trial no. 34 of 2016, subject to the condition that both the bailors shall be the close relative of the petitioner.

The petitioner shall be present on each and every date fixed by the Court and absence on two consecutive dates without valid reason will result in cancellation of bail bond of the petitioner.

(Sanjay Priya, J)

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