

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12880 of 2020

Arising Out of PS. Case No.-284 Year-2016 Thana- NOORSARAI District- Nalanda

KAMLESH YADAV S/o Late Kapil Yadav Resident of Village-Malbigha,
P.S.-Noorsarai, District-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash, Advocate

For the Opposite Party/s : Mr.Jagdhar Prasad, APP

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

ORAL ORDER

2 09-06-2020 Heard learned counsel appearing for the petitioner as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioner seeks bail in connection with S.T. No. 322 of 2017 (arising out of Noorsarai P.S.Case No. 284/2016) registered for the offences punishable under Sections 302/34 of the Indian Penal Code and 27 of the Arms Act.

Earlier, the bail prayer of the petitioner was thrice rejected by this Court giving direction to trial court to expedite the trial of the petitioner and conclude the same as early as possible. The order dated 23.1.2020 goes to show that the trial of the petitioner is on the verge of disposal.

Learned counsel appearing for petitioner submits that the prosecution as well as defence had already closed their



respective evidences since long and the defence had made his argument in the month of November 2019 but prosecution is delaying the disposal of the case. He, further, submits that the prosecution filed a petition under Section 311 of the Code of Criminal Procedure for recall of some prosecution witnesses, which was allowed but in spite of that the prosecution did not produce the witnesses, who were recalled by the trial court. He, further, submits that the prosecution preferred revision against closure of the prosecution case and the aforesaid revision is pending before this Hon'ble Court.

However, learned counsel of the petitioner, fairly, concedes that this Court has not stayed the further proceeding of Sessions Trial No. 322 of 2017/408/2017 in the revision filed on behalf of the prosecution.

In view of the aforesaid facts and circumstances as well as submissions of the parties, I am not inclined to release the petitioner on bail and, accordingly, his prayer for bail stands rejected.

However, learned trial court is directed to dispose of Sessions Trial No. 322 of 2017/408/2017 within a month from the date when the regular court starts functioning.

However, it is also made clear that if the trial court



fails to dispose of the above stated Sessions Trial No. 322 of
2017/408/2017 without any laches of the petitioner, the
petitioner may renew his prayer for bail.

(Hemant Kumar Srivastava, J)

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