

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75167 of 2019**

Arising Out of PS. Case No.-696 Year-2013 Thana- KHAGARIA District- Khagaria

Gulab Yadav Son of Late Narsingh Yadav R/o Morkahi, Kachhari Tola, P.S.-
Muffasil, Khagaria, District- Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Chandan Kumar Kashyap, Adv.
For the Opposite Party : Mr.Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 22-01-2020 Heard learned counsel for the petitioner and learned
counsel for the state.

This application has been filed by the petitioner for grant of bail in connection with Sessions Trial No. 129 of 2014/142 of 2015 arising out of Khagaria (Muffasi) P.S. Case No. 696 of 2013.

The prayer for bail of the petitioner was rejected twice earlier by this court. While rejecting the prayer for bail on 19.09.2018, the trial court was directed to make endeavour to conclude that trial without further delay.

It is submitted that till date the trial has not concluded and there is no likelihood of conclusion of the trial in near future.



From the order impugned dated 16.04.2019 passed by the learned Additional Sessions Judge-IV, Khagaria, it would appear that by now nine witnesses have already been examined and Pws 4 to 9 have supported the prosecution case that it was the appellant, who had shot the brother of the informant Subodh Yadav dead.

Considering the allegations made in the F.I.R. and the evidences collected as discussed in the order passed by the court below, I am not inclined to grant bail to the petitioner even though he is in custody since 25.07.2014. The prayer for bail is rejected. However, the trial court is directed to take up the trial of the petitioner on day to day basis and conclude the same as early as possible, preferably within nine months from today, failing which the court below shall submit an explanation to this court as to why the trial could not be completed in spite of repeated directions given by this court.

At this stage, it is submitted by the learned counsel for the petitioner that the trial is being delayed as one of the accused Dilip Yadav has absconded.

It is made clear that in case any accused is absconding, the trial of the petitioner cannot be kept pending awaiting appearance of another accused. In the circumstances,



the trial court shall split up the record of the petitioner and
proceed with the trial as directed hereinabove.

(Ashwani Kumar Singh, J)

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