

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 16857 of 2021

Arising Out of PS. Case No.-14 Year-2019 Thana- SARMERA District- Nalanda

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1. Rakesh Yadav, Male, aged about 31 years, Son of Ram Yadav.
 2. Rajo Yadav, Male, aged about 51 years, Son of Late Jagu Yadav.
Both resident of Village- Sondiha, PS- Sarmera, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate
For the State : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 25-08-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Raj Kishor Prasad, learned counsel for the petitioners and Mr. Kalyan Shankar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners are in custody in connection with Sarmera PS Case No. 14 of 2019 dated 28.01.2019, instituted under Sections 364 of the Indian Penal Code to which, later on, Sections 302/34 of the Indian Penal Code was added.

4. This is the second attempt for bail by the petitioners as earlier such prayer was rejected by judgment and order dated 08.07.2020 passed in Cr. Misc. No. 74845 of 2019.



5. Learned counsel for the petitioners submitted that on merits, the Court had earlier rejected the prayed for bail at that time. It was submitted that the petitioner no. 1 is in custody since 12.07.2019 and petitioner no. 2 since 17.06.2019. It was further submitted that the Court may call for a report from the Court below with regard to the status of the case.

6. On the aforesaid stand of learned counsel for the petitioners on 04.08.2021, the Court had called for a report from the Court below with regard to the status of the trial and the likely time by which it can be concluded.

7. Pursuant to the same, a report has been submitted by the Additional District and Sessions Judge, 3rd, Nalanda at Bihar Sharif dated 11.08.2021, in which it has been stated that out of six witnesses cited in the chargesheet, three, including the informant, have been examined and three witnesses are remaining including the Investigating Officer and Doctor to whom, summons have been issued on 07.08.2021. It has further been stated that due to the present prevailing circumstances, at least four months' time be given to conclude the trial.

8. Having considered the facts and circumstances of the case and taking note of what has been stated in the order dated 08.07.2020 passed in Cr. Misc. No. 74845 of 2019, by which



earlier the prayer for bail of the petitioners was rejected, the Court does not find any mitigating circumstances to reconsider the same.

9. Accordingly, the petition stands dismissed.

10. However, the Court below is directed to ensure the trial is completed within six months in view of the fact that the report itself states that it can be completed within four months. Thus, the Court has granted an additional period of two months for such completion.

11. Registry shall communicate the order to the Court below latest by tomorrow.

(Ahsanuddin Amanullah, J.)

P. Kumar

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