

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10453 of 2021**

Arising Out of PS. Case No.-178 Year-2017 Thana- SONO District- Jamui

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Tuntun Yadav Son Of Brahamdeo Yadav R/O Village- Agahara, P.S.- Sono,
District- Jamui.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr.Y.C. Verman,Sr.Advocate Mr.Umesh Prasad,Advocate
For the Opposite Party/s :		Ms.Meena Singh,APP
For the Informant	:	Mr.Akash Raj,Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 13-08-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

 Heard Mr. Y.C. Verma, learned Senior Counsel for the petitioner, learned counsel for the informant and Mrs. Meena Singh, learned APP for the State.

 The petitioner in the present case is seeking regular bail in connection with S.Tr. No. 136 of 2018 arising out of Sono P.S. Case No. 178 of 2017 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 325, 326, 341, 342, 307, 302, 120(B) of the Indian Penal Code. He is in custody since 15.08.2017.

 Learned Senior Counsel for the petitioner submits that earlier the prayer for bail of the petitioner was rejected by learned Predecessor Bench of this Court with an observation that the trial be

expedited but the trial has yet not concluded and the petitioner has remained in jail for about four years.

It is his contention that considering the present day's pandemic situation the petitioner may be enlarged on bail on such conditions as this Court may deem proper.

It is submitted that one of the co-accused has been granted bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 821 of 2019.

On the other hand, learned APP for the State and learned counsel for the informant have opposed the prayer for bail of the petitioner. Learned APP has informed this Court that it is a case of brutal murder of two persons and this petitioner is said to be one of the assailants. So far as the bail granted to the co-accused is concerned, the learned Co-ordinate Bench had taken the view after considering the status report of the trial court which disclosed that the charges were framed on 20.12.2018 but witnesses were not being produced by the prosecution.

In course of hearing, Mr. Y.C. Verma, learned Senior Counsel has informed this Court that presently the trial has been going on and out of 10 prosecution witnesses, 8 have been examined, therefore, two prosecution witnesses remained to be examined in this case.

Considering the facts and circumstances of the case, the seriousness of the offences alleged and the materials showing

rejection of prayer for bail of the petitioner earlier by learned Predecessor Bench of this Court and then the trial being at the fag end, this Court is not inclined to release the petitioner on bail.

The prayer for bail of the petitioner is, thus, refused.

Since only two prosecution witnesses remained to be examined, the trial court is expected to keep the matter on day-to-day basis and conclude the trial as early as possible preferably within a period of six months from the date of start of physical functioning of the court. The prosecution must cooperate by producing the official and non-official witnesses on the date fixed in the matter. If the trial still remains unconcluded for no reason attributable to the petitioner, he may renew his prayer for bail.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.