

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10058 of 2021**

Arising Out of PS. Case No.-216 Year-2017 Thana- KHAGARIA District- Khagaria

Shital Yadav Son of Late Nagina Yadav Resident Of Village- Mathar, P.S.-
Muffasil, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Paras Nath, Adv.

For the Opposite Party/s : Mr. Satyanand Shukla, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 10-06-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State through video
conferencing.

The petitioner have filed the instant application for
grant of regular bail in connection with Sessions Trial no. 272 of
2017 (arising out of Khagaria Mufasil P.S. Case no. 216 of
2017) registered under sections 307, 399, 402, 353 and 504 of
the Indian Penal Code and sections 25(1-B)(a), 26, 27 and 35 of
the Arms Act.

As per allegation in the FIR, on receiving secret
information that one of the accused persons namely, Shital
Yadav (petitioner herein) along with others were planning to
give effect to an occurrence, the informant with police personnel
reached the place of occurrence. It is stated that accused persons



open fired which was replied by the police. The petitioner was taken into custody and a pistol and 39 live cartridges were recovered from the possession of the petitioner.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false and concocted. Admittedly, no person suffered any injury. No incriminating article has been recovered from his possession. In spite of charge being framed in the year 2019 and the petitioner remaining in custody since 5.4.2017, i.e., for 4 years, the trial has still not concluded.

The application for bail is opposed by learned Additional Public Prosecutor for the State.

On an enquiry by the Court, it has been informed by learned counsel for petitioner that in the trial in the learned Court below the examination of prosecution witnesses has concluded in the month of January, 2021. However the trial not proceeded thereafter.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the Court is not inclined to enlarge the petitioner on bail and the same is rejected.

However, taking into consideration the petitioner



having remained in custody for four years and the examination of prosecution witnesses have been concluded in January, 2021, learned trial Court is directed to conclude the trial within 3 months from the date of receipt of a copy of this order. In case the trial is not concluded within the said period for no fault on part of the petitioner, the petitioner will be at liberty to renew his prayer for bail in the learned Court below.

(Partha Sarthy, J)

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