

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13076 of 2022

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

Tuntun Yadav Son of Brahamdeo Yadav Resident of Village - Agahara, P.S. -
Sono, District - Jamui.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Umesh Prasad, Advocate
For the Opposite Party/s :	Mr. Md. Mushtaque Alam, APP
For the Informant :	Mr. Akash Raj, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 09-11-2022 Heard Mr. Krishna Prasad Singh, learned Senior
Counsel assisted by Mr. Umesh Prasad, learned counsel for the
petitioner, Mr. Mushtaque Alam, learned APP for the State and
Mr. Akash Raj, learned counsel for the informant.

This is the third attempt of the petitioner to obtain 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.

Learned Senior Counsel for the petitioner submits that
earlier the prayer for bail of the petitioner was rejected by this
Court and the reasons provided for the same may be found in
the order dated 13.08.2021 passed in Cr. Misc. No. 10453 of
2021. This Court has noticed that it is a case of brutal murder of



two persons and this petitioner is said to be one of the assailants. As regards the submission that bail has been granted to the co-accused, this Court has noticed that the learned Co-ordinate Bench had taken the view after considering status report of the trial court which disclosed that the charges were framed on 20.12.2018 but witnesses were not produced by the prosecution. This Court noticed that at the relevant time, the trial was going on and out of 10 prosecution witnesses, 8 had been examined and only two prosecution witnesses remained to be examined in this case but after examination of the prosecution witnesses, the prosecution filed two applications, one under Section 311 CrPC and another under Section 216 CrPC which were allowed.

Learned APP for the State has informed this Court that after the applications filed on behalf of the prosecutions have been allowed, those prosecution witnesses have already been re-examined and the records of the case are being fixed on day-to-day basis and he has instruction to say that the trial would be concluded by the end of the next month.

In the aforesaid view of the matter, this Court having noticed that the trial itself is likely to be concluded within very short period, is not inclined to direct release of the petitioner on bail. The prayer for bail of the petitioner is, thus, refused.



Let the trial court abide by the information given to this Court that the records are being kept on day-to-day basis and the trial is likely to be concluded by the end of the next month.

This 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'.

