

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38910 of 2022

Arising Out of PS. Case No.-306 Year-2019 Thana- BELHAR District- Banka

Krishna Kumar Yadav S/O Kailash Yadav Resident Of Village- Tereya, P.S.-
Belhar, District- Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ray Saurabh Nath, Advocate
		Ms. Shalini Sinha, Advocate
		Ms. Manjari Nath, Advocate
For the Opposite Party/s :		Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 30-11-2022 The applicant/accused in Crime No. 306 of 2019 registered with Belhar Police Station for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. He argued that though the applicant is in custody from 04.10.2019 there was no progress in the trial which has resulted in filing of the instant application but as per his instruction now 2 or 3 witnesses are examined.

The learned Additional Public Prosecutor has opposed the application.

I have considered the submissions so advanced and



also perused the materials placed before me.

The mandate of Section 309 of the Cr.P.C. makes it clear that once recording of evidence in a criminal trial has begun then it has to be carried out on day to day basis. In the case in hand, the applicant is in custody right from 04.10.2019. It is reported that the applicant is a student.

In this view of the matter, this Court hope and expect that learned trial Court shall continue recording of evidence in the concerned sessions trial as per mandate of Section 309 Cr.P.C. and shall dispose it of immediately.

With this observation, the application stands disposed of.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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