

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.52332 of 2021**

Arising Out of PS. Case No.-55 Year-2010 Thana- KAUWAKOL District- Nawada

Ram Bilash Yadav @ Rambrich Yadav, Son of Late Bharat Yadav, Resident of
Village- Intabandh, P.S.- Chandradeep, District- Jamui

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Y.C. Verma, Sr. Advocate
Ms. Priyanka Singh, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 05-01-2022 Learned counsel for the petitioner undertakes to remove the defects as pointed out by the Stamp Reporter within four weeks after start of normal functioning of this Court.

Heard Mr. Y.C. Verma, learned counsel for the petitioner and Mr. Abhay Kumar, learned APP for the State.

This is the second attempt of the petitioner to obtain bail in connection with Kowakol P.S. Case No. 55 of 2010 registered for the offences punishable under Sections 364(A)/34/120(B) of the Indian Penal Code. The petitioner is in custody since 04.10.2019.

Earlier the prayer for bail of the petitioner was rejected after noticing that he was absconding in this case for almost 10 years and he had not disclosed about the two other



cases pending against him apart from the two cases disclosed in paragraph '3'.

Learned Senior Counsel for the petitioner submits that in this case all the prosecution witnesses have been examined but in course of trial most of the witnesses have become hostile, therefore, there will be no purpose served by keeping the petitioner behind the bar.

On the other hand, Mr. Abhay Kumar, learned A.P.P. for the State submits that the fact that the prosecution witnesses have already been examined and the trial is at fag-end would itself be a good ground to refuse to grant bail at this stage by this Court. It is submitted that the materials which have been collected in course of trial are not before this Court, therefore, no view may be taken in absence of those materials.

This Court had called for a report from the learned Additional District and Sessions Judge-IVth, Nawada as to the present stage of the trial. The report dated 6th December, 2021 says that three prosecution witnesses have been examined and the trial is likely to be concluded approximately within three months.

Learned Senior Counsel for the petitioner has, however, confirmed that all the prosecution witnesses have been



examined.

In the circumstances stated above where the trial itself is at fag-end and the trial court is likely to conclude the trial within three months only, this Court is not inclined to entertain this application at this stage. The prayer for bail of the petitioner is, thus, refused.

The trial court is expected to conclude the trial within a period of three months from the date of communication of this order. The records for this purpose shall be kept on the dates fixed for the physical courts.

If the trial is still not concluded within three months from the date of communication of this order for no reason attributable to the petitioner, he may renew his prayer for bail before the learned court below itself.

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'.

