

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61470 of 2021

Arising Out of PS. Case No.-212 Year-2020 Thana- NATHNAGAR District- Bhagalpur

PANKAJ YADAV Son of Musharu Yadav Resident of Mohalla - Babu Tola,
P.S. - Nathnagar, District - Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Singh, Sr. Adv.

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 02-02-2022 Heard Mr. Sanjay Singh, the learned senior

counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with

Sessions Trial No. 242 of 2020 arising out of Bhagalpur,

Nath Nagar P.S. Case No. 212/2020 instituted for the

offences under Sections 147, 148, 149 and 302 of the

Indian Penal Code and Section 27 of the Arms Act.

The prayer for bail of the petitioner was earlier

rejected vide order dated 26.03.2021 passed in Cr. Misc.

No. 37746 of 2020. On the same day, bail was granted to

another accused person, namely, Balli Yadav in Cr. Misc.

No. 38471 of 2020 by another Bench of this Court.



On the basis of the aforesaid order and the period of custody of the petitioner which is from 26th of June 2020, the present petition has been filed for reconsidering the case of the petitioner for grant of bail during the pendency of the trial.

This Court had called for a report about the stage of the case from the court below.

The report indicates that a petition under Section 227 of the Code of Criminal Procedure was filed by the petitioner and Balli Yadav, who has been granted bail by a Bench of this Court. That petition was dismissed on 16th of December 2021 and thereafter the charges were framed on 24th of January 2022.

The Trial has already commenced.

Notwithstanding the fact that a similarly situated co-accused person has been granted bail by another co-ordinate Bench of this Court, I am not inclined to grant bail to the petitioner during the pendency of the trial.

The prayer for bail is rejected.

However, taking into account that the petitioner



is in custody since 26.06.2020, this Court directs the Trial Court to conclude the trial positively within a period of nine months.

If there is no substantive progress in the case within the next six months, it would be open for the petitioner to approach this Court again for grant of bail.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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