

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.69956 of 2021**

Arising Out of PS. Case No.-130 Year-2019 Thana- KADWA District- Katihar

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BRAJESH YADAV, Son of Upendra Narayan Yadav, Resident of Village -
Nand Gram Jarlahi, P.S.- Korha, District - Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Atul Chandra, A.P.P.

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

3 09-02-2022 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 learned counsel for the petitioner and Mr. Atul
Chandra, learned APP for the State.

This is the second attempt of the petitioner to obtain

bail in connection with Kadwa P.S. Case No. 130 of 2019

registered for the offences punishable under Section 395 of the

Indian Penal Code.

Earlier his prayer for bail was rejected by this Court

vide order dated 05.12.2019 passed in Cr. Misc. No. 62157 of

2019 after noticing that the petitioner has got eight criminal

antecedents and all are of loot and dacoity.



Learned counsel for the petitioner submits that except petitioner all the co-accused have been granted bail in this case. This petitioner is said to have remained in custody since 15.06.2019 and the trial has yet not been concluded, therefore, the petitioner deserves privilege of bail.

Mr. Atul Chandra, learned A.P.P. for the State has opposed the prayer for bail of the petitioner. Learned A.P.P. submits that the allegations are serious in nature and considering the kind of criminal antecedents against the petitioner, he does not deserve privilege of bail.

This Court has received the report from the learned court below. From the report it appears that out of six accused persons five have already been enlarged on bail but the records have been received in the learned trial court from the predecessor court at the stage of awaiting appearance of five accused persons meaning thereby those five persons who are on bail are not putting their appearance. Considering the direction of this Court for expeditious trial the case of five accused persons have been separated from that of the present petitioner and summons have been issued to the witnesses. Learned trial court expects to conclude the trial within nine months.

This Court has, thus, noticed that there is a concerted



efforts on the part of the co-accused to delay the trial. Those who are on bail are not putting their appearance. This is a serious matter which must be dealt with in accordance with law by the learned court below by issuing appropriate direction forthwith and if such directions are issued, the Superintendent of Police, Katihar shall ensure execution thereof.

So far as the present petitioner is concerned, this Court having noticed the seriousness of the allegations and that there is no change of circumstance, I am not inclined to release the petitioner on bail at this stage.

The trial court shall keep the records on shorter dates and all endeavours be made to conclude the trial within a period of six months from today. The prosecution must cooperate by producing all the witnesses.

If the trial still remains unconcluded for no reason attributable to the petitioner, he may renew his prayer for bail.

The 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'.

