

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34656 of 2023

Arising Out of PS. Case No.-148 Year-2020 Thana- MUNGER MUFFASIL District- Munger

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NAGO YADAV @ NAGE YADAV SON OF LATE SHANICHAR YADAV
RESIDENT OF VILLAGE- MAI TAUFIR, KARARI TOLA, PS-
MUFFASIL, DISTT- MUNGER

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Advocate.

For the Opposite Party/s : Mr. Rajendra Nath Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 26-07-2023 Heard Mr. Viveka Nand Singh, learned counsel for

the petitioner and Mr. Rajendra Nath Jha, learned Additional

Public Prosecutor appearing for the State.

2. Petitioner seeks regular bail in connection with

Sessions Trial No. 276 of 2021 arising out of Muffasil P.S. Case

No. 148 of 2020 dated 16.6.2020 registered for the offence

punishable under Sections 341, 323, 379, 302, 506/34 of the

Indian Penal Code and Section 27 of the Arms Act.

3. This is second attempt for grant of regular bail on

behalf of the petitioner inasmuch as earlier the bail application

of the petitioner was rejected by this Court vide order dated

10.03.2022 passed in Cr. Misc. 31409 of 2021 with liberty to

renew his prayer for grant of regular bail after one year if the



trial does not show any progress.

4. Learned counsel for the petitioner has put-forth his argument but in nutshell is that he is re-arguing the matter which was earlier considered and rejected by this Court.

5. In so far as pendency of the trial is concerned, earlier this Court vide order dated 21.06.2023 had called for a report from the trial court regarding stage of trial and in pursuance thereof, the report of learned Additional District & Sessions Judge-III, Munger, dated 13.07.2023, is on record and from perusal of the same, it transpires that out of seven charge sheet witnesses, four witnesses have been examined and cross-examined and for PW5 the same has been deferred for cross-examination from the side of defence. From the side of the petitioner petitions under Section 311 Cr. P.C. have been filed on 5.4.2023 and 14.6.2023 to recall all the four prosecution witnesses for cross-examination on behalf of the petitioner Nago Yadav and co-accused Amarjeet Yadav who are in custody. As per the report, the case is pending for cross-examination of all the five witnesses on behalf of the accused/petitioner. Learned Sessions Judge has observed that if the petitioner cooperates in trial, the trial can be concluded within a period of six months.

6. In view of the report of the learned trial court and



the fact that the petitioner did not cross-examine the prosecution witnesses with an intention to delay the trial by filing a petition under Section 311 Cr. P.C. after examination of five witnesses, I am not inclined to grant regular bail to the petitioner.

7. The prayer for regular bail of the petitioner stands rejected.

8. However, the petitioner may renew his prayer for bail after six months if the petitioner cooperates in the trial.

(Anil Kumar Sinha, J)

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