

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57953 of 2022**

Arising Out of PS. Case No.-466 Year-2018 Thana- BAHADURPUR District- Darbhanga

Prabhas Yadav Son of Gartu Yadav R/O Village - Taralahi, P.S.- Bahadurpur,  
District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                                                                  |
|----------------------|---|----------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr.Jagnnath Singh, Adv.<br>Md. Ghulam Mustafa, Adv.<br>Mr. Bhargava Pandey, Adv. |
| For the State        | : | Mr.Ganesh Prasad Singh, APP                                                      |
| For the Informant    | : | Mr. Saket Kr. Singh, Adv.                                                        |

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

3      17-05-2023                      The prayer for bail of the petitioner was earlier  
  
thrice rejected.

The    petitioner is said to have fired at the  
  
deceased whereafter others also resorted to firing,  
  
hitting the deceased.

The deceased appears to have received seven  
  
gun-shot injuries. Precisely for this reason, the  
  
petitioner was not granted bail all this while.

However, as on date, even when all the  
  
prosecution witnesses have been examined, the case is  
  
still pending delivery of judgment.



The learned counsel for the Informant however has submitted that on the last five dates, the petitioner or any other accused has not been appearing and therefore the judgment has not been pronounced.

Mr. Jagannath Singh, learned advocate for the petitioner, denies the aforementioned statement and has shown to this Court the last of the order-sheets of the court below which belies such assertion of the Informant.

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

The report indicates something different.

The trial court has reported that all the eight witnesses in this case have been examined and the case of one Avinash Kumar Yadav, a juvenile, has already been split up. However, the judgment could not be delivered only for the reason that the Public Prosecutor took time for examining the records for assessing the requirement of putting other witnesses on the witness



box.

This Court is at a loss to understand as to how this plea of the Public Prosecutor was accepted by the Trial court in postponing the delivery of judgment, more so when the petitioner is in custody since 2018.

Various other set of facts have been brought to the notice of this Court by the learned counsel for the Informant who has orally stated that the Informant of this case now has been murdered at the hands of the other accused persons.

Nothing, alas, has been brought on record.

Nonetheless, considering that the petitioner is in custody for such a long time and that the trial is almost complete, this Court directs the trial court to deliver the judgment expeditiously by fixing a date when all the accused persons including the petitioner shall remain present. Since the petitioner is in jail, he shall be produced by the jail authority before the court for receiving the judgment.



The trial court shall not delay the delivery of judgment on such flimsy ground.

The petition stands disposed of accordingly with the aforementioned observation.

**(Ashutosh Kumar, J)**

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