

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.64414 of 2022

Arising Out of PS. Case No.-71 Year-2016 Thana- BARHAT District- Jamui

PANKAJ KUMAR YADAV @ PANKAJ YADAV Son of Muneshwar Yadav
@ Mannu Yadav R/v- Maheshpur, P.S.- Piri Bazar, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 04-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The present petition is by way of fourth attempt at the behest of the petitioner for grant of bail in connection with Sessions Trial No. 312 of 2017 arising out of Barhat P.S. Case No. 71 of 2016 for the offence registered under Sections 353, 120(B), 121, 121(A) of the Indian Penal Code, Sections 25(1-B)A, 26 and 27 of the Arms Act, Sections 16, 18, 20 and 21 of U.A.P. Act and Sections 3/4 of the Explosive Substance Act, inasmuch as the earlier prayers of the petitioner for grant of bail have all stood rejected.

The learned counsel for the petitioner has submitted that the petitioner is languishing in custody since 16.12.2016.

A Co-ordinate Bench of this Court vide



order dated 27.02.2019 had directed the learned trial court to conclude the trial preferably within a period of nine months and then this Court vide order dated 17.09.2021 had granted liberty to the petitioner to move this Court for grant of bail after one year in case there is no progress in the trial. It is submitted that as far as the trial is concerned, there is no progress inasmuch as not a single witness has been examined and the only allegation levelled against the petitioner is regarding recovery of arms, carbines, pistols, live cartridges, grenades etc. from the petitioner who was apprehended by the police from Bhaluka jungle. It is also submitted that though the petitioner is accused in four other cases but he is on bail in all the said four cases.

This Court had called for a report from the learned court of Additional District & Sessions Judge-1st, Jamui with regard to the present stage of the trial and the time likely to be taken for completion of the same, in pursuance whereof a report dated 08.12.2022 has been placed before



this Court wherein it has been stated that till date not a single witness has been examined in the present case.

Under such circumstances, considering the aforesaid submissions of the petitioner and taking into account the period of incarceration of the petitioner, who is languishing in custody since about six years, without there being any progress in the trial, whatsoever, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-1st, Jamui in connection with Sessions Trial No. 312 of 2017 arising out of Barhat P.S. Case No. 71 of 2016.

(Mohit Kumar Shah, J)

S.Sb/Saurav-

U		T	
---	--	---	--

