

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66273 of 2022

Arising Out of PS. Case No.-89 Year-2020 Thana- BIHRA District- Saharsa

Sanjeev Kumar Yadav @ Sanjeev Kumar, S/o Late Bechan Yadav @ Bechan
Yadva, R/v- Nandlali, Ward No. 05, P.S.- Bihra, District- Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Sanjay Kumar Tiwary, Advocate
		Mr. Pramod Mishra, Advocate
For the Opposite Party	:	Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 21-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. By filing this application, the petitioner has renewed his prayer for regular bail in connection with S.T. No. 257 of 2022 arising out of Bihra P.S. Case No. 89 of 2020 registered for the offences punishable under Sections 341, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Earlier the prayer for bail of the petitioner was rejected by this Court vide order dated 15.02.2022 upon taking into consideration the allegation that it was a case of causing grievous injury by firearm weapon on the vital part of the body.

4. While rejecting the prayer for bail of the petitioner, this Court directed the trial court to proceed with the trial and

conclude the same as early as possible.

5. Learned counsel for the petitioner submits that the pace of trial is very slow and even as the petitioner is in judicial custody since 08.02.2021, till date not a single prosecution witness has been examined.

6. It is submitted that considering the fact that the petitioner has already remained in judicial custody for almost three years but the trial has not been concluded, the petitioner deserves privilege of regular bail.

7. Learned APP for the State submits that earlier the prayer for regular bail of the petitioner was rejected by this Court after considering the seriousness of the offences alleged against him and upon considering that the informant who is himself an injured and a material witness may be threatened which may result in delay in conclusion of trial.

8. This Court has perused the report received from the learned trial court from which it appears that the case is pending for prosecution evidence and the trial court has informed that the trial is likely to be concluded within a period of nine months. More than two months have already gone from the date of the report of the learned trial court.

9. Considering the entire facts and circumstances of

the case, particularly that the trial itself is likely to be concluded within six months now, this Court is not inclined to grant privilege of bail to the petitioner, however, it is made clear that if the prosecution fails to produce the witnesses and the trial is not concluded within a period of six months from the date of receipt/communication of a copy of this order, it will be open for the petitioner to seek privilege of bail in the learned trial court itself which will be considered without being prejudice by the observations of this Court in its previous order dated 15.02.2022.

10. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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