

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70872 of 2022

Arising Out of PS. Case No.-114 Year-2020 Thana- KATORIYA District- Banka

ASHOK YADAV Son of Ganesh Yadav R/o Village - Surangi, P.S.- Katoriya,
District - Banka.

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar @Deepak Sahay, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner, in the present case, has renewed his prayer for bail in connection with Katoriya P.S. Case No. 114/2020, S.T. No. 43/2021 registered for the offence under Sections 147, 148, 149, 323, 326, 447, 307, 302 of the Indian Penal Code. Petitioner is in custody since 16.09.2020 having no criminal antecedent.

Earlier the prayer for bail of the petitioner was rejected vide order dated 22.09.2021 passed in Cr. Misc. No. 16287/2021 with an observation that if the trial is not concluded within a period of one year for no reason attributable to the petitioner, he may renew his prayer for bail.



Learned counsel for the petitioner submits that out of nine prosecution witnesses, five have already been examined but for no fault on the part of the petitioner the trial has not been concluded.

Learned counsel for the State submits that in the given facts and circumstances, this Court may direct the learned trial court to conclude the trial within the given period.

Having regard to the facts and circumstances of the case and the materials available on the record showing that earlier the prayer for bail of the petitioner was rejected but an observation was given to renew his prayer for bail if the trial is not concluded within one year, at this stage five prosecution witnesses have already been examined and this court is not aware of the materials which have come in course of trial, this Court deems it just and proper to direct the learned trial court to conclude the trial within a period of four months from the date of receipt/production of a copy of this order.

For this purpose the records be kept on shorter dates. Still if due to laches on the part of the prosecution



and for no reason attributable to the petitioner the trial is not concluded within a period of four months, the petitioner may file an application for bail in the court below itself which will be considered on it's own merit.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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