

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71989 of 2022

Arising Out of PS. Case No.-59 Year-2021 Thana- SISWAN District- Siwan

Amit Kumar Yadav @ Amit Yadav Son of Subedar Yadav Resident of Village-
Kishunbari, P.S.- Siswan, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate.

Ms. Kumari Anupam, Advocate.

For the Opposite Party/s : Mrs. Asha Devi, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 18-01-2023 Heard Mr. Yogesh Chandra Verma, learned senior
counsel assisted by Ms. Kumari Anupam, learned counsel
appearing on behalf of the petitioner and Mrs. Asha Devi,
learned APP for the State.

The petitioner seeks bail in connection with Siswan
P.S. Case No. 59 of 2021 registered for the offence punishable
under Sections 302/34 of the Indian Penal Code.

Earlier prayer for bail of the petitioner was rejected
vide order dated 30.03.2022 passed in Cr. Misc. No. 44275 of
2021.

Vide order dated 21.12.2022, this Court had called for
a report regarding stage of the trial and in compliance of the
same, learned 7th Additional District and Sessions Judge, Siwan
has submitted a report contained in Letter No. 11 dated



03.01.2023.

From perusal of the aforesaid report, it appears that the prosecution evidence has been completed and only defense witnesses are to be examined.

Learned senior counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and allegation of assault is against other accused Prem Kumar and the petitioner is even not named in the F.I.R. and he has been made accused in the alleged murder. He is a B.Tech student and has remained in custody since 07.03.2021. He further submitted that law is well settled that no person should remain in custody for affecting his life and liberty as granted under Article 21 of the Constitution for any delay caused in conduct of the trial.

Learned counsel appearing on behalf of the State submitted that in the present case, trial has progressed considerably and only the defense witnesses are to be examined and in this regard the trial court had fixed the date on 10.01.2023 for examination of the defense witnesses. Taking into consideration the report submitted by the 7th Additional District and Sessions Judge, Siwan, petitioner does not deserve to be released on bail at this stage.



Considering the rival submissions of the parties, the trial court is directed to conclude the trial within a period of three months.

Learned senior counsel is fair enough to submit that no citizen of this country should remain in custody for any delay caused in conduct of the trial affecting his life and liberty as granted under Article 21 of the Constitution.

Considering that the petitioner is a student and his career is affected, the trial court is directed to consider all these aspects and must ensure presence of the defense witnesses if they want to examine themselves on each and every date fixed in this regard.

The trial should not be delayed further for non-examination of defense witnesses if they deliberately do not want to examine themselves.

With the above observation and direction, the present bail application stands disposed of.

(Purnendu Singh, J)

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