

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2501 of 2023**

Arising Out of PS. Case No.-127 Year-2020 Thana- JAGDISHPUR District- Bhojpur

BIJENDRA YADAV @ PUTUL YADAV S/o Ramayan Yadav R/v- Barki
Hardiya, P.S.- Jagdishpur, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

5 03-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Session Trial No. 167 of 2021 arising out of Jagdishpur P.S. Case No. 127 of 2020 dated 05.06.2020 registered for the offence under Sections 147, 148, 149, 341, 323, 504, 307 and 302 of the Indian Penal Code.

As per prosecution case, petitioner along with other co-accused person have assaulted the father of the informant by giving iron rod on his head as a result of which he died.

Earlier the prayer for bail of this petitioner has been rejected vide order dated 15.12.2021 passed in Cr. Misc. No. 43939 of 2021 considering the case of the petitioner on merit. Thereafter the petitioner has again moved before this Court



assailing the same impugned order which has been the subject matter of Cr. Misc. No. 43939 of 2021 accordingly, the same was ordered to be withdrawn. Now again the petitioner is before this Court renewing his prayer for bail.

While entertaining the third attempt of the petitioner for the purpose of bail, this Court would feel that stage of the trial is required to be noted. According, a report with regard to present stage of the trial has been called for by this Court vide order dated 22.03.2023 which has been received and forms part of this application at Flag-R dated 17.04.2023. On perusal thereof, it would reveal that charge has been framed in this case on 01.09.2021 and all prosecution witnesses have been examined and cross-examined except the official witnesses i.e. doctor and the investigation officer. It is also reported that both the official witnesses have been summoned.

Learned counsel appearing for the petitioner referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future and the petitioner is languishing in judicial custody since 16.03.2021 i.e more than two years. It has also been submitted on behalf of the petitioner that the co-accused, having more or less similar allegation has been granted bail by a co-ordinate Bench of this Court vide order dated 23.12.2021 passed in Cr. Misc. No. 28647 of 2021.

Regard being had to the facts and circumstances of the



case and the present stage of the trial which appears to be at fag
end, this Court would not incline to enter into the merits of the
case again for its adjudication for the purpose of bail at this stage.
Accordingly, the prayer for bail of this petitioner is again refused.

However, learned trial court is directed to expedite the
trial and try to conclude it at the earliest.

(Rajesh Kumar Verma, J)

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