

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5708 of 2024

Arising Out of PS. Case No.-28 Year-2017 Thana- PIRPAINTI District- Bhagalpur

Nilesh Yadav S/O RAMASHISH YADAV R/O- MADHUBAN TOLA, PS.
PIRPAINTI, DIST. BHAGALPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-03-2024 Heard learned counsel for the parties.

2. This is the fourth attempt of the petitioner for grant of regular bail in connection with Pirpanti P.S. Case No.28/17, registered for the offence punishable u/s 302 and 34 of the IPC and 27 of the Arms Act.

3. Vide order dated 09.02.2024, a report was called for, regarding the stage of trial. In compliance thereof, a report sent by learned XVIth Additional District and Sessions Judge, Bhagalpur dated 22.02.2024, is kept at flag 'R', whereby it is submitted that the case was fixed for final hearing (argument) and at the time of argument, it transpired that the seized materials and inquest report have not been produced by the prosecution during trial. For this a necessary direction has been given to the concerned APP, Bhagalpur but learned APP has failed to complete the prosecution trial. In this regard necessary



direction (letter) has been issued to the District Magistrate, Bhagalpur and the Home Secretary, Patna, Bihar but till today no proper steps has been taken by the Additional Public Prosecutor to complete the trial. At present Additional Public Prosecutor, Bhagalpur has filed an application u/s 311 of the Cr.P.C. for production of necessary seized material and witnesses. The trial Court has mentioned that the time likely to be taken in conclusion of the trial is within three months, if the parties co-operate.

4. Considering the submissions made in the report, I am not inclined to grant bail to the petitioner named above. The prayer for bail is hereby rejected.

5. Accordingly, the bail application is dismissed.

6. However, the trial court is directed to conclude the trial as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order and it is hereby made clear that, if the trial is not concluded within the stipulated period, the petitioner will be released on bail by the learned Court below itself on furnishing the requisite bail bonds.

(Anjani Kumar Sharan, J)

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