

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9403 of 2023

Arising Out of PS. Case No.-9 Year-2021 Thana- BAKHTIYARPUR RAIL P.S. District-
Patna

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Pintu Yadav @ Rahul Yadav, Son of Late Krishna Yadav, Resident of Village-
Dayachak, P.S.- Barh, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Brajesh Prasad Gupta, Advocate

For the Opposite Party/s : Mr. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 03-04-2024 Heard learned counsel for the petitioner and Mr.

Fahimuddin, learned APP for the State.

2. This is an application seeking regular bail in connection with Sessions Trial No. 264 of 2022 arising out of G.R.P. Bakhtiarpur (Barh) P.S. Case No. 09 of 2021 registered for the offences punishable under Sections 147, 148, 149, 307, 326, 353, 504 of the Indian Penal Code and Section 27 of the Arms Act. He is in custody since 01.02.2021.

3. Earlier, the prayer for bail of the petitioner was rejected by this Court *vide* order dated 18.05.2022 in Cr. Misc. No. 71869 of 2021 for the reasons recorded in the said order which are being reproduced hereunder for a ready reference:-

“Having regard to the gravity of the
offence alleged, the materials showing that this
petitioner had upon seeing the police party fired



which hit the informant on his chest causing serious injury and then the petitioner has got 6 criminal antecedents and a firearm with live cartridges have also been recovered from his house, this Court is not inclined to enlarge the petitioner on bail. The prayer for regular bail of the petitioner is, thus, refused.”

4. Learned counsel for the petitioner submits that this petitioner has remained in custody for three years two months but the trial has yet not been concluded.

5. This Court called for a report from the learned trial court. Learned Additional District and Sessions Judge-XVII has submitted a report vide letter no. 217 dated 16th January, 2024 wherein it is stated *inter alia* that presently, the accused has been lodged in Bhagalpur Central Jail and the case is fixed for prosecution evidence. Learned trial court has informed that the charges have been framed but there was a delay because the accused was shifted to Bhagalpur Central Jail. According to learned trial court, the trial is likely to be concluded within nine months and the court has assured to do its level best to conclude the trial as early as possible.

6. Learned APP for the State has opposed the prayer for regular bail of the petitioner. It is submitted that no doubt, the petitioner has remained in custody for three years but the



seriousness of the allegations against the petitioner and the severity of the punishment attached to the same have been considered by this Court in its order dated 18.05.2022, the petitioner has also got six criminal antecedents and there is recovery of live cartridges with firearm from his possession.

7. Having regard to the submissions made hereinabove, this Court finds no fresh ground to release the petitioner on bail. The prayer for regular bail of the petitioner is refused.

8. Learned trial court shall make all endeavours to conclude the trial within the requisite time of nine months. If the trial remains unconcluded for no reason attributable to the petitioner, he may renew his prayer for bail in the trial court itself.

9. The prosecution including Superintendent of Police, Patna (Rural) shall ensure that the prosecution witnesses are produced on the date fixed in the matter.

10. This application stands disposed of.

(Rajeev Ranjan Prasad, J)

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