

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54956 of 2024

Arising Out of PS. Case No.-10 Year-2013 Thana- BARH District- Patna

Ashok Yadav S/o Late Bhago @ Bhagwat Yadav R/o vill - Dumariya, P.s. -
Barh, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar Mouar
		Mr.Raj Krishna Jha
For the Opposite Party/s :		Mr.Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 25-10-2024 Heard Mr. Arvind Kumar Mouar, learned Advocate
for the petitioner and learned Additional Public Prosecutor for
the State.

2. This is an application for grant of bail to the
petitioner, who is in custody in connection with Sessions Trial
No. 31/2020 and 11/2021 arising out of Barh P.S. Case No. 10
of 2013 registered for the offences punishable under Sections
147, 148, 149, 341, 323, 325, 302 of the Indian Penal Code and
27 of the Arms Act.

3. This is the third attempt made on behalf of the
petitioner as earlier the prayer for bail of the petitioner was
negated by this Court in Cr. Misc. No. 38579 of 2021 vide order
dated 11.07.2022 and further in Cr. Misc. No. 21808 of 2023



vide order dated 01.09.2023.

4. While rejecting the prayer for bail of the petitioner, this Court had taken note of the gravity of the offence and the nature of accusation against the petitioner that he fired on the head of the father-in-law of the informant resulting into his death. On the second occasion, this Court while rejecting the prayer had given liberty to the petitioner to renew his prayer for bail, if the trial is not concluded within four months.

5. Learned Advocate for the petitioner contended that since the prayer for bail of the petitioner was duly considered earlier on merit and it came to be rejected, he is not pressing the application on merit. However, despite the observation made by this court to take sincere efforts to conclude the trial within a period of four months, even after a lapse of more than a year, the position is the same and till date the Investigating Officer and the doctor have not been examined. It is next contended that be that as it may, now the petitioner has been incarcerated for over a period of five years and as such keeping the petitioner behind the bar without providing him speedy trial would amount to violation of Article 21 of the Constitution of India.

6. On the other hand, learned APP for the State opposed the bail application and submitted that apart from the



allegation of firing, the petitioner bears six criminal antecedents and all the more he remained absconded for a long time. He next contended that the case is of the year 2013 and the petitioner was apprehend in the year 2019.

7. Considering the submissions advanced on behalf of the parties and taking note of the status report which suggests that there is every likelihood that the trial shall be concluded within a period of two months, this Court is not inclined to accede to the prayer for grant of bail and accordingly the prayer for bail of the petitioner stands rejected.

8. However, in view of the report submitted by the learned Trial Court, this Court hopes and expects that the learned Trial Court shall take all the sincere efforts to conclude the trial, preferably within a period of three months from the date of receipt/production of a copy of this order.

(Harish Kumar, J)

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