

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37384 of 2014

Arising Out of PS.Case No. -40 Year- 2012 Thana -MOKAMAH District- PATNA

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Shyam Shundar Yadav, son of Lutan Yadav, resident of Kanahipur (Gahil
Asthan), P.S. Mokama, District- Patna

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arjun Prasad

For the Opposite Party/s : Mr. Sanjay Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

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3 18-03-2015 Heard Sri Sunil Kumar Pathak, learned counsel, who

was assisted by Sri Arjun Prasad, learned counsel for the petitioner
and Sri Sanjay Kumar, learned Addl. Public Prosecutor.

This is the second attempt for grant of bail on behalf of
the petitioner in connection with S.Tr.No.1393 of 2012 arising out
of Mokama P.S. Case No.40 of 2012 registered for the offence
under Sections 323, 341, 342, 307, 387, 506/34 of the Indian Penal
Code. Earlier, the prayer for bail was rejected on 03.10.2013 vide
Cr.Misc.No.29755 of 2013. The prayer for bail was primarily
rejected on the ground that the trial had already commenced and
the petitioner was accused in number of serious cases.

In this case, by order dated 17.09.2014, a report was
called for from the court below regarding stage of the case, which
has been received and kept at Flag-A. On perusal of the report, it

appears that for securing attendance of the informant, learned trial court has issued warrant of arrest. The Investigating Officer has also not been examined.

Keeping in view the fact that for securing appearance of the informant, warrant of arrest was required to be issued, which suggests that the informant himself is not interested in early conclusion of the trial as well as the fact that the petitioner is in custody since long, let the petitioner, Shyam Sundar Yadav be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Adhoc ADJ-I, Barh (Patna) in connection with S.Tr.No.1393 of 2012 arising out of Mokama P.S. Case No.40 of 2012 on conditions that (i) one of the bailors must be blood relation of the petitioner and (ii) during trial, the petitioner shall remain physically present in court on each and every date. If continuously on two dates, he remains absent without prior permission of the trial court, his bail bond shall stand automatically cancelled.

(Rakesh Kumar, J)

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