

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.33092 of 2016**

Arising Out of PS.Case No. -778 Year- 2013 Thana -MADHEPURA District- MADHEPURA

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Sachidanand Yadav, son of Rameshwar Yadav, resident of village-Bakhari,  
P.S.-Madhepura, District-Madhepura.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Uday Chand Prasad, Adv.  
For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP  
For the Informant : Mr. Shailendra Kumar Singh, Adv.

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA**  
**ORAL ORDER**

4      07-09-2016

Heard.

The prayer for bail of the petitioner, in a criminal prosecution originally registered under Sections 384, 504, 506/120B of the Indian Penal Code in which subsequently offences under Sections 385 and 386 of the Indian Penal Code were also added, was earlier rejected by this Bench by an order dated 27.05.2015 passed in Cr.Misc.No.14135 of 2015, as contained in Annexure-1 to the present bail petition, with a direction to the learned trial court to make all endeavours to conclude the trial of the petitioner at an early date preferably within a maximum period of six months from the date of the order. The petitioner was granted liberty to renew his prayer for bail, if his trial is not concluded within the aforesaid period of six months.

The learned counsel appearing on behalf of the petitioner submits that the petitioner is in judicial custody since 12.10.2014. He further submits that, despite the order and direction of this Court, the trial of the petitioner has not been concluded.



By an order dated 17.08.2016, a report was called for from the learned trial court. In compliance of the aforesaid order, the learned Judicial Magistrate, 1<sup>st</sup> Class, Madhepura, who is in seisin of the trial of the petitioner, has submitted his report, which is kept at Flag-‘A’, from perusal of which it appears that the trial of the petitioner has not been concluded.

Taking into consideration the period of incarceration as also taking into consideration the observations given by this Court in the order dated 27.05.2015 (Annexure-1), this Court is inclined to accede to the prayer made on behalf of the petitioner for grant of bail. Let the petitioner above named be released on bail on furnishing bail bond of Rs.25,000/- with two sureties of the like amount each to the satisfaction of Sri J.K. Kashyap, learned Judicial Magistrate-1<sup>st</sup> Class, Madhepura in connection with Madhepura (Bharrahi) P.S.Case No.778 of 2013, subject to the conditions that:

- (A) Both the bailors shall be government servants,
- (B) if the petitioner is found involved in same and similar nature of cases in future, then in that case the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned;
- (C) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every

date, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

**(Birendra Prasad Verma, J)**

Arvind/-

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