

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9237 of 2016

Arising Out of PS.Case No. -673 Year- 2011 Thana -DIHRINAGAR District- SASARAM
(ROHTAS)

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1. Deepak Kumar Yadav @ Deepak Kumar Son of Bharat Prasad Yadav
Resident of Village Adarsh Nagar Police Station Kunda, District Allahabad,
Uttar Pradesh.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh

For the Opposite Party/s : Mr. Rajiv Nayan (App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 06-04-2016 Perused the report dated 17th March, 2016 submitted
by the learned 7th Additional Sessions Judge, Rohtas at Sasaram in
compliance with the order of this Court dated 02.03.2016.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in connection with Sessions
Trial No. 267 of 2012 arising out of Dihri (Town) P.S.Case No.
673 of 2011 registered under Section 414 read with 34 of the
Indian Penal Code and Sections 25(1-B)(a) and 26 of the Arms
Act. However, on completion of investigation, the police have
submitted charge-sheet under Sections 400, 412, 414 read with 34
of the Indian Penal Code and 25(1-B)(a) and 26 of the Arms Act.

It has been contended by the learned counsel for the petitioner that though the petitioner is in custody since 27th December, 2011, the prosecution could examine only one witness till the date of filing of the present application.

Regard being had to the inordinate and undue delay caused by the prosecution in producing witnesses during trial, the petitioner Deepak Kumar Yadav @ Deepak Kumar is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VII, Rohtas at Sasaram in connection with Sessions Trial No. 267 of 2012 arising out of Dihri (T) P.S.Case No. 673 of 2011, subject to the following conditions :

- (a) The petitioner shall not influence the witnesses or tamper with any document;
- (b) At the time of furnishing the sureties, the petitioner shall furnish his address to the court and shall not change his address till the final disposal of the case or till further orders in that regard;
- (c) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the court;

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- (d) the petitioner shall not do any act prejudicial to the interest of the prosecution;
 - (e) The petitioner shall abide by the above conditions scrupulously and in case of violation of any of the conditions, the prosecution would be at liberty to move this Court for cancellation of bail;
 - (f) One of the sureties must be a Government servant/elected people's representative of Panchayat/ Municipality; and the other one shall be a close relative.

(Ashwani Kumar Singh, J)

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