

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28209 of 2016

Arising Out of PS.Case No. -237 Year- 2013 Thana -ALOU LI District- KHAGARIA

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Sunil Yadav S/o Late O.P.Yadav @ Upendra Yadav Resident of Village -
Jhakhara, P.S. - Alauli, District - Khagaria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prem Prakash Poddar

For the Opposite Party/s : Mr. M. Dayal, (APP)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 03-08-2016 Heard the counsel for the petitioner and Mr. M. Dayal,

APP for the State.

This is repeat application seeking bail in Allauli P.S.

Case No. 237 of 2013 registered under Section 302/34 of the

Indian Penal Code.

Considering the allegation made against the petitioner

his prayer for bail was rejected vide order dated 23.06.2015

(Annexure-1). However, considering the period of incarceration

of the petitioner since 28.03.2014, the Court had granted liberty

to renew his prayer for bail if the trial does not record adequate

progress within nine months. In the light of the said liberty, the

application for prayer of bail by the petitioner is filed.

Status report was called for from the trial court is

placed at Flag 'A' wherefrom it appears that all effective steps have been taken by the trial court to ensure presence of the prosecution witnesses at the trial.

Considering the facts and circumstances emerging from the record, this Court propose to grant one opportunity to the trial court to examine the prosecution witnesses. This Court while declining the relief, dispose of the bail application by the following order:-

- (i) The Trial Court shall endeavour to examine the remaining prosecution witnesses within five months from the date of receipt/production of a copy of this order failing which the petitioner shall be released on bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge Khagaria in Allauli P.S. Case No. 237 of 2013
- (ii) One of the bailors shall be his own/close family member.
- (iii) The petitioner shall appear in person on each date fixed at the trial. In case of default in appearance on two consecutive dates, the trial court shall have liberty to cancel his bail bonds.

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(Kishore Kumar Mandal, J)

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