

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1664 of 2016

Arising Out of PS.Case No. -218 Year- 2010 Thana -BARACHATTI District- GAYA

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Satyendra Yadav @ Jhakhara, S/o Devan Yadav, R/o Vill- Ghugharee, P.S.-
Barachatti (Mohanpur), at Dist- Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh, Advocate
Mr. Sumeet Kumar Singh, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 13-04-2016

Heard the parties.

The prayer for bail of the petitioner in respect of a criminal prosecution registered under Sections 364, 302, 307 and 201/34 of the Indian Penal Code was earlier rejected thrice by different orders of this Court, which all have been brought on record as Annexure-1 series.

When the prayer for bail was earlier rejected for the second time on 18.06.2014 in Cr.Misc.No.37195 of 2013 it was noticed that out of 12 chargesheeted witnesses, 6 PWs. have already been examined and thereafter again his prayer for bail was rejected for the third time by order dated 28.05.2015 passed in Cr.Misc.No. 14064 of 2015 with a direction to the trial court to expedite the trial of the petitioner and all endeavours should be made to conclude his trial within a maximum period of six months from the date of receipt/production of a copy of that order and liberty was granted to the petitioner to renew his prayer for bail after six months if the trial is not concluded.

The learned counsel appearing on behalf of the

petitioner highlights that the petitioner is in judicial custody since 20.10.2010 i.e. more than five years. He further submits that charge against the petitioner was framed way back on 28.09.2011, yet the trial of the petitioner has not been concluded.

From the report furnished by the learned trial court, in response to the order dated 20.01.2016, this Court finds that there is no progress in trial of the petitioner when his prayer for bail was rejected for the second time on 18.06.2014 in Cr.Misc.No. 37195 of 2013. Apparently, not even a single witness has been examined on behalf of the prosecution for more than one and half years.

The learned Addl.P.P. appearing on behalf of the State has not been able to dispute the aforesaid facts.

In above view of the matter, particularly taking into consideration the period of incarceration of the petitioner and also taking into consideration the fact that though charge was framed on 28.09.2011 but trial has not been concluded till date, this Court is inclined to accede to the prayer made on behalf of the petitioner for grant of bail.

let the above named petitioner be released on bail on furnishing bail bond of Rs.25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge II, Gaya in connection with Sessions Trial No. 234 of 2014 arising out of Barachatti (Mohanpur) P.S.Case No. 218 of 2010, subject to the following conditions:

- (A) one of the bailors must be a government servant.
- (B) other bailor must be a family member or close relation of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,
- (C) 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 an opportunity of hearing to all concerned, and

(D) 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 dates, 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)

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