

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22020 of 2016

Arising Out of PS.Case No. -55 Year- 2013 Thana -BARACHATTI District- GAYA

=====

1. Bhola Yadav Son of Narayan Yadav Resident of village - Mahulia, P.S.
Mohanpur, Distt. - Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad

For the Opposite Party/s : Mr. Uma Nath Mishra(App)

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 27-07-2016 Heard Mr. Amar Nath Singh for the petitioner and Mr.
Uma Nath Mishra, APP for the State.

In the light of liberty granted under order dated 30.06.2015 (Annexure-1) while refusing the prayer for bail, the petitioner has renewed his prayer for grant of bail in Barachatti P.S. Case No. 55 of 2013 registered under Sections 304B/34, 201/34 of the Indian Penal Code. The Court in the said order observed that if the prosecution witnesses are not examined within 08 months, the petitioner shall have liberty to renew prayer for bail. The said observation was made considering the fact that the petitioner continued to incarcerate in connection with the case since 23.02.2013.

A status report called for in this case was received and placed at Flag-A, on perusal whereof it appears that in spite of diverse steps taken by the Trial Court, no prosecution witness has

been produced. Counsel for the petitioner made submissions on merit of the case as well.

Considering the facts and circumstances emerging from the record, this Court proposes to grant one more opportunity to the prosecution. Declining the relief, the bail application stands disposed of by the following order:

Let the Trial Court take steps and examine all material/prosecution witnesses within four 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 bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount with following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In the event of grant of bail, he shall continue to appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

Pankaj/-

U		T	
---	--	---	--