

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39519 of 2016

Arising Out of PS.Case No. -386 Year- 2013 Thana -BIHPUR District- BHAGALPUR

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1. Ajit Yadav @ Ajeet Yadav Son of Triveni Yadav Resident of Village - Narayanpur, P.S- Bihpur (Bhawanipur), District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Pratap Singh

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

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 19-10-2016 Heard Mr. Rajesh Kumar Singh for the petitioner and

Mr. Dayal APP for the State.

This is the third attempt of the petitioner before this Court to seek bail in Bihpur P.S. Case No. 386/2013, registered under Section 302/34 of the IPC and Section 27 of the Arms Act. The first bail application was considered and rejected by this Court on 03.03.2015 (Annexure-1 series) with observation. In the light of the observation, the petitioner again moved this Court for bail which was considered and rejected vide order dated 07.10.2015 (part of Annexure-1 series; at page 16) whereunder liberty was granted to him to renew prayer for bail if the trial is not concluded within ten months. In the light of the said liberty, the present application for bail.



Learned counsel for the petitioner submits that for the said occurrence two FIRs were lodged; one by the father in which he has been named as assailant whereas another by a co-villager claiming himself to be eye-witness in which two accused persons (not the petitioner) are named. Petitioner is languishing in jail custody since 05.12.2013. It is stated that the trial has not concluded till date.

A status report was called for from the learned trial Court, which is received and placed at Flag-‘A’. On perusal whereof, it appears that out of the 10 charge-sheet witnesses 08 witnesses on behalf of the prosecution have been examined. The Doctor and the Investigating Officer only remained to be examined for which steps have been taken. Considering the facts and circumstances of the case, this Court, while declining the prayer, dispose of the application by the following order:-

Let the trial Court take steps to conclude examination of the remaining prosecution witness within 03 months from the date of receipt/production of a copy of this order before the trial Court, failing which the petitioner, named above, shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned AD.J. IV, Naugachiya, in connection

with Bihpur (Bhawanipur) P.S. Case no. 386/2013, in Sessions trial no. 111/2015 and 112 /2015 subject to the following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.
- (ii) In the event of bail, the petitioner shall appear in person before the trial Court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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