

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47652 of 2016

Arising Out of PS.Case No. -65 Year- 2012 Thana -BARIYARPUR District- MUNGER

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1. Mukesh Yadav Son of Late Nageshwar Yadav
2. Mritunjay Yadav Son of Late Nageshwar Yadav Both resident of Village
Jhauwa, Bahiyar, P.S. Bariyarpur, District Munger

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Jha

For the Opposite Party/s : Mr. Sri Gauri Shankar Gupta

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 02-12-2016 Heard both sides.

Prayer in this application is for grant of bail to the petitioners in Bariyarpur P.S. Case No. 65 of 2012 registered under section 302/34 IPC.

The informant is the father of the deceased who alleged that owing to land dispute on the date of occurrence, all the accused persons named in the FIR, including the petitioners, arrived at the scene of occurrence and shot at the deceased causing his death.

The contention of the petitioners is that they are languishing in jail custody since 08.08.2014. The trial of the case has not recorded sufficient/adequate progress/headway as would



appear from the status report sought for by the Court and placed at Flag X. The allegation is general and omnibus. Co-accused Tapesb Yadav has since been released on bail vide order dated 30.07.2013 passed in Cr. Misc. No. 23887 of 2013.

Learned APP points out from the bail application that these petitioners have criminal antecedents and while being privileged with bail they indulged in the present occurrence.

From the status report it appears that although the charges have been framed on 18.02.2016, but till date the prosecution has not examined any witness.

Considering the facts and circumstances of the case, this Court, while declining the prayer for grant of bail, disposes of this application by the following order:-

Let the trial court take steps to examine the prosecution witness(s) within 07 months from the date of receipt/production of a copy of this order failing which the petitioners above named shall be released on bail on furnishing bail bond of Rs. 10,000/- each, with two sureties of the like amount each, to the satisfaction the 5th Additional Sessions Judge, Munger in S.T. No. 945 of 2014 arising out of Bariyarpur P.S. Case No. 65 of 2012 on condition that one of the bailors of each of the petitioners shall be their own/close family members. In the event of framing of charge, the



petitioners shall appear in person on each date fixed at the trial.

In case of default in doing so on two consecutive dates, the trial court shall have liberty to cancel their bail bonds and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

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