

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.57303 of 2015

Arising Out of PS.Case No. -42 Year- 2013 Thana -SIMULTALA District- JAMUI

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Jitendra Yadav @ Jitendra Kumar Yadav @ Bhutari @ Jitu son of Din Dayal Yadav, resident of Village- Khuranda, P.S.- Simultalla, District- Jamui.

.... Petitioner/s

Versus

. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate

For the Opposite Party/s : Dr. Rabindra Kumar, 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 made on behalf of the petitioner in a criminal prosecution registered under Sections 302, 307 and some other allied offences under the Indian Penal Code was earlier rejected by this Court by order dated 21.01.2015 passed in Cr.Misc.No. 42595 of 2014 (Annexure-1) with an observation that if the trial of the petitioner is not concluded within a period of nine months from the date of receipt/production of a copy of that order, then he shall be at liberty to renew his prayer for bail.

The learned counsel appearing on behalf of the petitioner highlights that the petitioner is in judicial custody since 28.11.2013 and he is not named in the first Information Report vide Annexure-2 as an accused. He further submits that despite observation/direction issued by this Court, not a single witness has been examined on behalf of the prosecution before the trial court though charge was framed against him on 15.03.2014.

By order dated 20.01.2016 a report was called for from the learned trial court and the learned Addl.P.P. appearing on behalf of the State by referring to the report submitted by the learned trial court fairly conceded that not a single witness has been examined till date.

In the aforesaid facts and circumstances of the case, particularly, taking into consideration the period of incarceration of the petitioner and also taking into consideration the observation made by this Court in the order dated 21.01.2015 passed in Cr.Misc.No. 42595 of 2014 (Annexure-1), 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 Sessions Judge, Jamui in connection with Sessions Trial No. 100 of 2014 arising out of Simultalla P.S.Case No. 42 of 2013, subject to the following conditions that:

(A) one of the bailors must be a government servant or close family member or close relation of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,

(B) 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

(C) 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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