

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19162 of 2017

Arising Out of PS.Case No. -213 Year- 2010 Thana -UDWANTNAGAR District- BHOJPUR

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Vinod Yadav @ Vinod Singh son of Chandrama Yadav, resident of village
Raghunipur P.S. Udwanatnagar Dist. Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar

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

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 19-04-2017 Heard Mr. Kumar for the petitioner and Mr. Dayal

APP for the State.

The petitioner is facing accusation punishable under
Sections 302/34 of the IPC.

The allegation is of firing at the deceased by him and
another co-accused. His prayer for bail was earlier considered and
rejected on 19.5.2015 granting him liberty to renew prayer in the
Court below itself if the prosecution witnesses are not examined
within 09 months. In the light of the said liberty, the petitioner
renewed prayer in the court below and, on refusal, filed the present
bail application.

It is submitted that the petitioner is in custody since
07.02.2014. From perusal of the order of the learned Trial Court, it
would appear that till date no prosecution witness has been



produced and examined. On instruction, it is also submitted that another co-accused of this case raised a claim of juvenility which has been adjudicated in his favour. The post-mortem report does not fully support the prosecution case.

The learned APP, on the other hand, submits that the petitioner is the assailant. He has criminal antecedents as well.

In the facts and circumstances of the case and considering the order dated 19.05.2015 as also the facts evidencing from the impugned order, this Court, while declining the relief, disposes of the bail application by the following order:-

Let the Trial Court make endeavour to examine all the relevant prosecution witnesses within 06 months from the date of receipt/ communication of the 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 each to the satisfaction of the learned IVth Additional Sessions Judge Bhojpur, Ara in connection with Sessions Trial No. 99 of 2014, arising out of Udwant Nagar P.S. case No. 213 of 2010, subject to the following conditions:-

- (1) One of the bailors shall be the own/close family member of the petitioner.
- (2) 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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