

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15528 of 2017

Arising Out of PS.Case No. -207 Year- 2013 Thana -DHARHARA District- MUNGER

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Poshan Yadav @ Prushuttam Yadav, Son of Late Botal Yadav, resident of village - Farda, P.S. Nayaram Nagar, District – Munger.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Bikramdeo Singh, Advocate.

For the Opposite Party : Mr. Nityanand Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 21-04-2017 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 08.05.2014 in connection with Sessions Trial No. 840 of 2016, arising out of Dharhara P.S. Case No. 207 of 2013 for the offences instituted under Sections 302, 201/34 of the I.P.C. and 27 of the Arms Act.

The prosecution story, in brief, is that the son of the informant alongwith his cousin had gone to attend the marriage ceremony in another village. Thereafter, his son has gone to his *Sasural*. The cousin has informed on Mobile that all the accused persons including the accused petitioner has encircled and compelled them to take wine. Thereafter, the dead body of the son of the informant and his cousin found on the Railway Track near



Dashrathpur Outer Signal. Both the deceased have received bullet injuries upon his head and inside the mouth.

The earlier two bail applications of the petitioner were rejected by this Court vide Cr. Misc. Nos. 39135 of 2014 dated 30.01.2015 and 18335 of 2016 dated 04.08.2016 and the court below was directed to conclude the trial preferably within a period of six months from the date of receipt/production of a copy of the order.

A report was called for from the court below regarding the stage of the case. It has been reported that out of 13 prosecution witnesses, 11 witnesses have already been examined. It is further pointed out that the court is vacant hence, a specific and speculative time could not be ascertained about the conclusion of the trial.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 08.05.2014 i.e. approximately for last three years and there is no certainty regarding the trial being concluded in near future. There is no allegation of tampering of the witnesses alleged against the petitioner. He has got no criminal antecedent. General and omnibus allegation has been made against the petitioner. No specific overt act has been alleged against the petitioner. The other co-accused persons have been granted bail by



another co-ordinate Benches of this Court vide Cr. Misc. Nos. 38333 of 2015, 55575 of 2015, 8138 of 2016, 23324 of 2016 and 9185 of 2016. One of the co-accused person, namely, Anuj Yadav has also been granted bail by the learned court below on 10.06.2016 in B.P. No. 242 of 2016.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 5th Additional Sessions Judge, Munger, in connection with Sessions Trial No. 840 of 2016, arising out of Dharhara P.S. Case No. 207 of 2013.

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(Sudhir Singh, J)

