

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37782 of 2017

Arising Out of PS.Case No. -96 Year- 2011 Thana -MUNGER MUFFASIL District- MUNGER

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Kailu Yadav Son of Late Lakhan Yadav, R/o Village- Taufir Mai, P.S.-
Muffasil, District- Munger.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Kamal Kishore Jha, Advocate

For the Opposite Party : Mr. Rajendra Nath Jha (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 16-08-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner wants to renew the prayer of bail,
which was earlier twice rejected vide order dated 18.04.2016 and
08.03.2017 passed in Cr. Misc. 57301 of 2015 and Cr. Misc. No.
9908 of 2017 respectively, on the ground that the petitioner is in
custody since 29.11.2014 and only allegation against the petitioner
is that he shot the deceased Bipin Yadav in his right hand and, as
such, the petitioner is not the assailant. Pampam Singh has been
allowed bail and further the trial has not been concluded within
four months as directed by this Court and up till now only four
prosecution witnesses have been examined and, as such, in near
future the trial is not likely to be concluded.



The learned A.P.P. submits that other co-accused namely, Guddu Yadav and Maheshwar Singh have been refused bail by another co-ordinate Bench of this Court.

In the facts and circumstances stated above, as the trial has not been concluded within time given by this Court and, as such, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned Additional Sessions Judge - 5th Munger, in connection with S.Tr. No. 39 of 2016 arising out of Muffasil P.S. Case No. 96 of 2011, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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