

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39598 of 2018

Arising Out of PS.Case No. -251 Year- 2017 Thana -RAHUI District- NALANDA
(BIHARSHARIFF)

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Sharma Yadav S/o Siya Sharan Yadav, resident of Village- Musepur, Police
Station- Rahui (Bhaganbigha), District- Nalanda.

... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
Mr. Ganesh Sharma

For the Opposite Party/s : Mr. Anil Chandra

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 08-08-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has been in custody since 15.09.2017
in connection with Rahui (Bhagan Bigha) P.S. Case No. 251/2017
registered for the offences punishable under Sections 341/147/148/
149/324/302/201/34 of the Indian Penal Code.

The prayer for bail of the petitioner was earlier
rejected with a liberty to the petitioner to renew his prayer for bail
after framing of charge.

Learned counsel for the petitioner submits that the
charge has now been framed on 06.06.2017 and, accordingly, a
report was called for from the trial court which has reported
reiterating the said submission of the petitioner. It is further



submitted by learned counsel for the petitioner that the petitioner shall co-operate in the trial and is willing to abide by all the terms and conditions fixed by this Court. He further submits that he shall be present in Court on all occasions so that the trial may be expedited and concluded at the earliest.

Learned counsel for the informant submits that on the last occasion when the matter was heard, the prayer for bail is rejected on account of certain incriminating article found near the dead-body so he may not be extended the privilege of bail.

However, he submits that the prosecution shall expedite the trial by appearing in court and filing their evidences on the date fixed by this Court and ensure that the trial is concluded without any hindrance or delay on their part within a period of nine months, therefore, the petitioner may not be granted bail.

However, after hearing learned counsel for the petitioner and learned counsel for the State and also the informant, it appears that, save and except the *Gamcha*, of this petitioner which was found near the dead-body of the deceased, there is no further material to implicate the petitioner and since the petitioner is willing face trial and appear before the court on each date without seeking unnecessary adjournment and or without absenting



himself from the court on any date, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 7th Additional Sessions Judge, Nalanda at Biharsharif, in connection with Rahui (Bhagan Bigha) P.S. Case No. 251/2017, subject to the following conditions:-

- (1) One of the bailors will be his own blood relative, preferably, mother, brother, sister and/or their wife.
- (2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.
- (3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.
- (4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

It is further made clear that in case the petitioner obstructs or delays the trial in any manner, it shall be open to the



informant to take appropriate legal recourse in accordance with
law.

(Anjana Mishra, J)

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