

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.64027 of 2018**

Arising Out of PS. Case No.-48 Year-2013 Thana- SALAKHUA District- Saharsa

Chhabilal Yadav @ Chhabiya Yadav @ Chhabila Yadav, Son of Late  
Dasarath Yadav @ Late Tikuli Yadav, resident of Village- Amni, P.S. Mansi,  
District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar -1, APP

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR  
SRIVASTAVA**

ORAL ORDER

3      12-12-2018                      Heard learned counsel for the petitioner as well as  
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the  
offences punishable under Sections 341, 323, 504, 379, 384, 386  
and 34 of the Indian Penal Code.

Earlier, the bail prayer of the petitioner was rejected  
by this Court vide order dated 02.12.2016 passed in Cr.Misc.  
No. 45581 of 2016, but the report of learned trial court goes to  
show that petitioner was remanded on 27.07.2015 and since  
then he is languishing in jail custody. Furthermore, the report of  
the trial court shows that charge against the petitioner was  
framed on 22.11.2018 and up-till now not a single prosecution  
witness could be examined.



No doubt, the petitioner does have criminal antecedents of several cases but the report of trial court goes to show that having more or less similar allegation, co-accused Rajesh Yadav has already been granted privilege of bail.

Considering the aforesaid facts and submissions of the parties and also taking note of period of detention of petitioner in jail custody, I direct the petitioner to 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 learned Additional Chief Judicial Magistrate-IV, Saharsa in Salkhua P.S. Case No. 48 of 2013.

However, it is made clear that if the petitioner makes any attempt to terrorize or tamper the prosecution witnesses and, if any, prayer for cancellation of bail is made on behalf of the prosecution, the learned trial court shall pass an appropriate order on the aforesaid prayer of the prosecution after making due and proper inquiry.

**(Hemant Kumar Srivastava, J)**

Spd/-

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