

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5611 of 2018

Arising Out of PS.Case No. -58 Year- 2011 Thana -BANKA District- BANKA

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1. Rajesh Yadav @ Baidya, Son of Mahendra Prasad Yadav @ Baidya,
resident of Village- Manjira, P.S.- Banka, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bidhanesh Misra

For the Opposite Party/s : Ms. Rita Verma

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 02-02-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has been in custody since 10.05.2011 in connection with Banka P.S. Case No. 58/2011 registered for the offences punishable under Sections 448/323/324/325/326/307/384/302/504/34 of the Indian Penal Code and Section 25(1)(a) 27 and 35 of the Arms Act.

Learned counsel for the petitioner submits that the trial of the case has been pending since long and for almost past seven years, the petitioner has been languishing in jail. He further submits that there is no definite evidence against the petitioner, but even so, he shall co-operate in the trial and appear as and when required. It is further submitted that he shall ensure his presence, without taking undue adjournments, so that the trial reaches its logical



conclusion.

Considering the fact that the petitioner has been in custody for almost seven years and there was direction by this Court on 28.08.2015 to conclude the trial within a period of six months, which remains to be concluded as on 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 Additional District and Session Judge-IV, Banka, in connection with Banka P.S. Case No. 58/2011, subject to the following conditions:-

- (1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his 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.

(Anjana Mishra, J)

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