

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25622 of 2018

Arising Out of PS.Case No. -113 Year- 2010 Thana -GOPALPUR District- BHAGALPUR

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Jaggan Yadav, Son of Ganesh Yadav, Resident of Village- Tintenga Karari,
P.S.- Gopalpur, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Rana Randhir Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 05-09-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner has renewed his prayer for bail in Gopalpur P.S. Case No. 113 of 2010 registered under Section 302 read with 34 of the Indian Penal Code and Section 27 of the Arms Act. His application for grant of bail has been rejected by this Court on various occasions. While rejecting his application lastly on 21.06.2017, this Court had directed the trial Judge to hold trial expeditiously and conclude the same within nine months failing which the petitioner was granted liberty to file application for grant of bail before the court below itself and in that circumstances the court below while disposing of the application for bail was directed to assign reasons as to why trial could not be completed



within the time granted by this Court.

Since the trial did not conclude within the stipulated time, an application was filed by the petitioner for grant of bail in compliance with the order passed by this Court, which was rejected by the learned trial Judge vide order dated 21.03.2018.

On perusal of aforesaid order dated 21.03.2018, I find that the trial court has observed that five witnesses have already been examined but the informant, Investigating Officer and the doctor have not been examined. The court has further observed that though the warrant has been issued against the informant, he did not turn up before the court.

As the petitioner is in custody since 16.03.2013 and the prosecution is not vigilant in producing the witnesses before the court, this Court is of the opinion that the petitioner cannot be kept in jail as an under-trial prisoner for indefinite period. By now he has remained in custody for over five years and there is no likelihood of the trial being concluded in near future.

In that view of the matter, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the 1st Additional District & Sessions Judge, Naugachia in connection with Gopalpur P.S. Case No. 113 of



2010 subject to the following conditions:-

- (a) The petitioner shall not influence the witnesses or tamper with the evidence.
- (b) At the time of furnishing sureties, the petitioner shall furnish his address to the court and shall not change his address till final disposal of the trial.
- (c) The petitioners shall not leave the limits of India without prior permission of the court.
- (d) The petitioner shall not directly or indirectly make any inducement to any person acquainted with him the facts of the case so as to deviate him from the case.
- (e) One of the sureties must be a government servant/elected people representative of Panchayat/ Municipality/ Nagar Parishad and the other one should be a close relative.

(Ashwani Kumar Singh, J)

Pradeep/Sneha

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