

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13332 of 2019

Arising Out of PS. Case No.-17 Year-2003 Thana- GOH District- Aurangabad

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Tapeshwar Yadav, son of Yugeshwar Yadav, Resident of Village - Karma
Pandey, P.S.- Pauthu, Distt.- Aurangabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-03-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

This is an application for bail in a case of misuse.

The petitioner is languishing in custody since 16.09.2018 in connection with Goh P.S. Case No.17 of 2003 registered for the offences punishable under Sections 307, 380, 452, 342, 341, 427, 429, 147, 148, 149 of the Indian Penal Code, Section 27 of the Arms Act, Sections 3, 4, 5 of Explosive Substance Act and Section 17 of Criminal Law Amendment Act.

The petitioner was granted bail by a Bench of this Court vide order dated 04.09.2003 passed in Cr. Misc. No.19310 of 2003, as contained in Annexure-1. The petitioner remained absent for a long time, consequently, the bail bond was cancelled on 26.06.2007 and after about 11 years, the petitioner was arrested on 16.09.2018.

It is submitted by learned counsel for the petitioner that



after the grant of bail in 2003, the petitioner remained present for few years, thereafter he had gone to Gujarat for earning, hence could not appear. It is further submitted that the petitioner has remained in custody for more than five months but there is no progress in the trial till date.

Learned A.P.P. for the State has vehemently opposed the prayer for bail.

Considering the fact that the impugned order does not suggest that after grant of bail from 2003 to 2007 no progress was made in the trial, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Aurangabad in connection with Goh P.S. Case No.17 of 2003, with a condition that petitioners shall not indulge in any offence of similar nature till conclusion of the trial and 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 reason, his bail bond shall be liable to be cancelled by the learned Court below.

(Dinesh Kumar Singh, J)

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