

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41272 of 2019**

Arising Out of PS. Case No.-178 Year-2017 Thana- SHAMBHUGANJ District- Banka

NAWIN KUMAR YADAV, aged 34 years, Male, Son of Sri. Govind Yadav
Resident of Village - Nagardih, P.S.- Fullidumar, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee
For the Opposite Party/s : Mr.Ram Anurag Singh

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 13-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner who is in custody since 12.01.2018 has
filed the instant application for grant of bail in connection with
Shambhuganj P.S. Case No. 178 of 2017(G.R. No.3678 of 2017)
registered for the offence punishable under sections 366A and
34 of the Indian Penal Code and section 4 of POCSO Act.

It is submitted by learned counsel for the petitioner
that the application for bail of the petitioner had been rejected
by order dated 20.03.2018 passed in Cr.Misc. No. 15210 of
2018 whereby while rejecting the application for bail of the
petitioner this Court had directed the trial court to expedite the
trial and preferably conclude the same within a year after
framing of the charge.



It is submitted that charge was framed in the case on 29.05.2018 but only 2 prosecution witnesses have been examined. A report had been called for from the court of learned 1st Additional Sessions Judge, Banka with regard to the present status of the trial. The report has been received as contained in letter No. 132 dated 19.07.2019 wherein it has been stated that out of the five charge sheeted witnesses two have been examined and rest are yet to be examined. It has further been stated that bailable warrant of arrest have been issued against the remaining private witnesses.

The application for bail was opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the observation of this Court in its order dated 20.03.2018 together with the contents of the report of the Additional District Judge-I, Banka as contained in his letter dated 19.07.2019 and the petitioner being in custody since 12.01.2018, let the petitioner above named be enlarged 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 learned Additional Sessions Judge-I, Banka in connection with Shambhuganj P.S. Case No. 178 of 2017 (G.R. No.3678 of



2017).

It is directed that the petitioner shall remain present on each and every date in the court below in course of trial. In case of absence of the petitioner on two consecutive dates for the reasons not to the satisfaction of the trial court the bail of the petitioner shall be cancelled and he shall be taken into custody till conclusion of the trial.

(Partha Sarthy, J)

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