

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67550 of 2019

Arising Out of PS. Case No.-207 Year-2017 Thana- HASANPUR District- Samastipur

Vijay Yadav, aged about 37 years (M), son of Ramashray Yadav, resident of Village - Pipra , Gajpatti, Samastipur, P.S.- Hasanpur, Dist.- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms.Shama Sinha, Adv.

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 06-11-2019 Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner, who is in custody, seeks bail in Hasanpur P.S.Case No.207 of 2017 registered for offence punishable under Sections 302/120B of the Indian Penal Code and Section 27 of the Arms Act.

Petitioner had earlier moved this Court for regular bail vide Cr.Misc.No.37595 of 2018, which was rejected on 10.09.2018 considering the allegation of firing against the petitioner. However, trial court was directed to expedite the trial of petitioner and conclude the same within a period of one year from the date of receipt/production of a copy of the order. It was further observed that if the trial of the petitioner is not concluded within specified period, then petitioner would be at



liberty to renew his prayer for bail.

It has been submitted on behalf of the petitioner that trial has already commenced and prosecution witnesses have not supported the allegation against the petitioner. It has further been submitted on behalf of the petitioner that the informant, who claims to be eye witness of the case, has also been examined by the prosecution and he has also not supported the prosecution case.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released 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 Addl. Sessions Judge-II, Rosera(Samastipur) in connection with Sessions Trial No.278 of 2018, arising out of Hasanpur P.S. Case No.207 of 2017 subject to following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(ii) petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and on his absence on two consecutive dates without proper and sufficient reason, the trial court will be at liberty to cancel his bail bond.

(iii) If the petitioner tampers with the



evidence or the witnesses of the case, in that event the prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J.)

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