

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29241 of 2020

Arising Out of PS. Case No.-91 Year-1994 Thana- HASANPUR District- Samastipur

Ram Khelawan Yadav Son of Late Ramautar Yadav @ Ramotar Yadav
Resident of Village- Kelwari, P.S.- Hasanpur (Bithan), District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 09-11-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner is in custody in connection with Hasanpur
(Bithan) P.S.Case No.91 of 1994 corresponding to Sessions
Trial No.444 of 2014 for the offence under Sections 147, 148,
149, 341, 342, 323, 324 and 302/201 of the Indian Penal Code.

Learned counsel for the petitioner would submit that
the petitioner has clean antecedent. This is the fifth attempt on
behalf of the petitioner. On earlier four occasions, the prayer for
bail was rejected as is evident. He further submits that petitioner
is in custody since 30.10.2013 and he has remained in custody
for more than seven years. He further submits that the Court
while passing observation directed for expeditious disposal of
the trial but in another proceeding it was stayed by this Court
and, as such, the direction of early disposal of the trial proved
futile as stay is operating and entire proceeding is pending on



account of the pendency of the matter in this Court.

Considering the fact that petitioner has remained in custody for more than seven years, the Court is inclined to grant bail to the petitioner named above on furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Rosera, Samastipur in connection with Hasanpur (Bithan) P.S.Case No.91 of 1994 corresponding to S.T. No.444 of 2014.

The court below is directed to obey the order of the Hon'ble Apex Court with regard to automatic vacation of stay order in criminal matters and take steps for early conclusion of the trial.

Let a copy of this order be communicated to the Registrar (Vigilance) for communication to all the courts concerned regarding compliance of the judgment of the Hon'ble Apex Court which was not followed despite the fact that the stay in criminal cases was operating in last several years due to pendency of cases in High Court.

(Anil Kumar Upadhyay, J)

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