

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16447 of 2021**

Arising Out of PS. Case No.-279 Year-2018 Thana- BAUNSI District- Banka

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PANKAJ YADAV, Son of Late Manoranjan Yadav, Resident of Village -
Lalpur, P.S.- Saraiyahat, Dist.- Dumka (Jharkhand)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar No. 2, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 06-09-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.

Binod Kumar No. 2, learned A.P.P. for the State.

This is the second attempt of the petitioner to obtain

regular bail in connection with Bounsi P.S. Case No. 279 of

2018 registered for the offence punishable under Section 392 of

the Indian Penal Code. He is in custody since 30.07.2019.

Earlier his prayer for bail was rejected by a learned

predecessor Bench of this Court in Cr. Misc. No. 11073 of 2020

with a liberty to renew his prayer for bail after completion of 1.5

(1 ½) years of his judicial custody.

Learned counsel for the petitioner submits that the petitioner has remained in custody for more than two years. So far as the present stage of trial is concerned, this Court had earlier called for a report from the learned court below. From the office notes it appears that many efforts were made to send the order of this Court to the learned court below through Fax but all went in vain because no one was responding on Fax Machine of the Civil Court, Banka. On 28.08.2021, the office reported that the present stage of trial has not been received. Thereafter, on 31.08.2021 this Court adjourned the matter awaiting the report of the learned trial court and at the same time liberty was granted to the petitioner to file copy of the depositions. Once again the office report says that the report has not been received from the learned trial court.

A supplementary affidavit has, however, been filed on behalf of the petitioner enclosing the copy of the depositions. It is stated that the informant and two other witnesses have already been examined in course of trial and while the informant has not identified the accused, the two other witnesses have been declared hostile.

It is the submission of learned counsel for the petitioner that considering the fact that the petitioner has

remained in jail for over two years and conclusion of trial is still likely to take substantial period of time because there are altogether eight witnesses out of whom only three have been examined, in the nature of the materials available on the record, the petitioner be enlarged on bail subject to such conditions which may be imposed by this Court.

Mr. Binod Kumar No. 2, learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case, the materials which have been placed before this Court and further that in terms of the observation of the learned coordinate Bench of this Court, the petitioner has renewed his prayer for bail and now he has completed more than two years of judicial custody, in all the five cases in which the petitioner is said to be an accused, he is on bail, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Bounsi P.S. Case No. 279 of 2018 , subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the petitioner shall be

present in course of trial on each and every date fixed in the matter.

Two consecutive defaults in putting appearance before the learned trial court shall result in action towards cancellation of bail bond of the petitioner.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.