

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20346 of 2021**

Arising Out of PS. Case No.-549 Year-2019 Thana- JAHANABAD District- Jehanabad

UDAY YADAV @ UDAY SINGH SON OF LATE GHAMANDI YADAV
R/O VILLAGE- MAHARAJGANJ, P.S.- SIGORI, DISTRICT- PATNA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	M/s Baxi S.R.P. Sinha, Sr. Advocate Braj Nandan Kumar Tiwary, Advocate
For the Opposite Party/s	:	Mr. Rajendra Singh, APP

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

5 23-12-2021 Heard learned senior counsel for the petitioner and learned
APP for the State.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302 and other sections of the Indian Penal Code.

As per the prosecution case, the husband of the informant, namely, Umesh Yadav was called by the petitioner and one Albela Yadav to come to search for one Randhir who was traceless. It is stated by the informant that on reaching the village the accused persons including the petitioner herein assaulted the husband of the informant with bricks and stones etc. leading to serious injuries to her husband who died in course of treatment.

It is submitted by learned senior counsel appearing for the petitioner that the earlier application for bail of the petitioner was



rejected vide order dated 10.6.2020 (Annexure-1) passed in Cr. Misc. no. 14153 of 2020. The allegations against the petitioner are general and omnibus in nature. The petitioner is in custody since 12.12.2019 and although the trial has commenced, however, only four prosecution witnesses have been examined and they have not supported the prosecution case. It is further submitted that eleven more chargesheet witnesses still remain to be examined and there is no chance of the trial concluding in the near future. The petitioner undertakes to cooperate in the trial.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the petitioner having remained in custody for over two years, the petitioner is directed to be enlarged on bail in connection with Sessions Trial no. 223 of 2021 / 54 of 2021 (arising out of Jehanabad (Karauna O.P.) P.S. Case no. 549 of 2019) 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 III, Jehanabad.

In view of the trial having commenced, it is directed that the petitioner shall cooperate in the trial and in case the learned trial court is of the opinion that the trial is being delayed due to non-cooperation of the petitioner, the learned trial court may cancel the bail bond of the petitioner and take him into custody till conclusion



of the trial.

(Partha Sarthy, J)

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