

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30294 of 2021**

Arising Out of PS. Case No.-176 Year-2018 Thana- PARAIYA District- Gaya

Rajesh Yadav Son of Ramvilas Yadav Resident of Village - Karma, P.S.-
Konch, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Saxena

For the Opposite Party/s : Mr.Ram Sevak Choudhary,APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3. 30-09-2021 Heard learned counsel for the parties through video conferencing.

This is 2nd attempt for grant of bail on behalf of petitioner. Earlier, the bail petitioner of petitioner was rejected, vide order dated 15.11.2019 passed in Cr.Misc. No. 61970 of 2019, with an observation *to conclude the trial within a period of nine months from the date of order.*

On last occasion, vide order dated 17.08.2021, a report was called for from the court below regarding stage of the trial, which has been received and kept at flag 'A'. Trial Court report reveals that out of five chargesheeted witnesses, only two witnesses have been examined and for examination of rest three witnesses including informant, summons and bailable warrant of arrest have already been issued, but till date, they could not be



produced for their examination, despite best effort by the prosecution.

It is submitted on behalf of the petitioner that petitioner is in custody since 23.11.2018 and in spite of observation of this Court, the trial has not been concluded.

Considering the period of custody and inadequate progress of trial, the bail petition of petitioner is allowed. Let the above named petitioner 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 A.D.J. VII-cum-Excl.Special Court (POCSO Act), Gaya in connection with Paraiya P.S. Case No. 176 of 2018, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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