

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38603 of 2021

Arising Out of PS. Case No.-20 Year-2018 Thana- BHAIRAVSHTHAN District- Madhubani

Ranjay Yadav Son of Shivdhari Yadav Resident of Village - Olipur, P.S.-
Bhairabasthan, District - Madhubani.

.. ... Petitioner/s

Versus

The State of Bihar.

... ... Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashank Chandra, Advocate
		Ms. Kumari Shubham, Advocate
For the Opposite Party/s	:	Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 01-12-2021 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks bail during the pendency of Sessions Trial No. 381 of 2018 arising out of Bhairavshthan P.S. Case No. 20/2018 instituted for the offences under Sections 147, 148, 149, 341, 326, 302 and 120B of the Indian Penal Code.

The petitioner is one of the brothers of the deceased who is said to have assaulted the deceased by means of dagger alongwith his another brother.

The learned counsel for the petitioner has submitted that there is a corresponding injury by a sharp cutting weapon but the same cannot solely be attributed to



the petitioner as another brother of the petitioner also is said to have taken part in the assault.

There appears to be a family dispute regarding partition of a chunk of land.

The father of the deceased also has been made accused in this case who has but been granted bail. The other brothers of the petitioner also have been granted bail by different benches of this Court.

The petitioner is in custody since 17.03.2018.

His prayer for bail was earlier rejected by a Bench of this Court vide order dated 25.07.2019 and thereafter by this Court vide order dated 01.12.2020.

While rejecting the prayer for bail on 01.12.2020, this Court had directed the Trial Court to conclude the trial positively within a period of three months as at that time, this Court had reported that most of the prosecution witnesses had been examined and the case was pending at the stage of recording of statement under Section 313 Cr.P.C.

The learned counsel for the petitioner has



submitted that the case was being tried by the learned Additional District and Sessions Judge-I, Jhanjharpur whose judicial powers were seized by the High Court and, therefore, the trial could not proceed any further.

It has thus been urged that now with the examination of all the prosecution witnesses, even if the petitioner is released on bail, he shall not be in a position to tamper with the evidence. Apart from this, it has been assured on behalf of the petitioner that he shall be in attendance in the trial proceedings and is ready for any observation which would bind him regarding his presence before the Trial Court till it is finally concluded.

Considering the aforesaid development in the case and the Trial Court remaining vacant with the powers of the Judicial Officer seized and taking into account that the petitioner has remained in jail for about three years and all other accused persons of this case have been released on bail and the occurrence arose out of a family dispute, the petitioner is directed to be released on bail on his furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties



of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Jhanjharpur, District-Madhubani, in connection with Sessions Trial No. 381 of 2018 arising out of Bhairavshthan P.S. Case No. 20/2018.

The bail bond shall be accepted by the In-charge Court.

The petitioner shall be in attendance in the trial proceedings and shall inform the Officer In-charge of the concerned police station whenever he would go out of the district where the Trial Court is situated.

The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

Sunilkumar/
Rashid

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