

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32045 of 2020

Arising Out of PS. Case No.-388 Year-2019 Thana- BAKHTIARPUR District- Saharsa

KARI YADAV Son of Ram Yadav Resident of Village Bhavdewa, Police
Station Bakhtiyarpur, District Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 03-02-2021 Heard learned counsel for the petitioner and Mr.
Manoj Kumar, learned A.P.P. for the State.

This is the second attempt of the petitioner seeking regular bail in connection with Sessions Trial No. 81 of 2020 arising out of Bakhtiyarpur P.S. Case No. 388 of 2019 registered for the offences punishable under Section 302/34 of the Indian Penal Code.

Earlier the prayer for bail of the petitioner was rejected vide order dated 20.03.2020 passed in Criminal Miscellaneous No. 2522 of 2020 and the petitioner was granted liberty to renew his prayer for bail after a reasonable period.

Learned counsel for the petitioner submits that the petitioner is in custody since 11.10.2019 and the trial has not yet begun though the charge has already been framed in this case.



Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein earlier the prayer for regular bail of this petitioner was rejected taking note of the fact that he had a quarrel in which he had threatened the father of the informant and one witness had seen him coming from the math side as also that he was in custody only since 11.10.2019, the petitioner was granted liberty to renew his prayer for bail after a reasonable period and now learned counsel for the petitioner submits that the charge has already been framed against the petitioner but the trial has not yet begun, the report received from the learned trial court says that there are seven witnesses and it may take another nine months at least in conclusion of trial, considering the nature of materials and the views taken by this Court indicated in the earlier order, the petitioner having otherwise no criminal antecedent, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Saharsa in connection with Sessions Trial No. 81 of 2020 arising out of Bakhtiyarpur P.S. Case No. 388 of 2019 subject to the condition



as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that in course of trial the petitioner shall be obliged to appear on each and every date fixed in the matter and in case of two consecutive defaults in putting appearance before the learned trial court, his bail bond shall be cancelled and will be taken into custody.

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.

And further condition that they will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

The application stands disposed of accordingly.

(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'.

