

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 39462 of 2020

Arising Out of PS. Case No.-21 Year-2009 Thana- PIPRASI District- West Champaran

CHUMAN YADAV SON OF LATE INDRADEO YADAV RESIDENT OF
VILLAGE- BAGHAWATOR, P.S.- DHANAHA, DISTT.- WEST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Vijay Kr Singh No 1, Advocate

For the Opposite Party/s : Mr Shyameshwar Dayal, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

15 23-08-2021

This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioner and
learned Additional Public Prosecutor (for brevity, *APP*)
appearing for the State of Bihar.

The petitioner seeks bail in Sessions Trial No 297
of 2014 (CIS No 4219 of 2014) arising out of Piprasi Police
Station (for brevity, *PS*) Case No 21 of 2019 instituted for the
offence punishable under Sections 364A, 341, 342, 384, 506/34
of Indian Penal Code.

It is the prosecution case that over a trivial matter, the
instant petitioner has confined the informant and others for
nearly one day with a view to extort Rs 1,500/- which loss has



been suffered by the petitioner due to the fact that his mobile phone has fallen in the river while taking the boat to the river bank.

It is submitted by the petitioner's counsel that petitioner is in custody since 01.10.2013 in connection with this case. The petitioner has been allowed amnesty by the State Government under the Amnesty Scheme. This is one of the various cases instituted against him, only because of his antecedents and without any substance.

The learned APP submits that counter affidavit has been filed. He places reliance on the order dated 07.04.2021 passed by this Court in Cr Misc No 3826 of 2021, i e, another bail application of the same petitioner. In that case, the Court has been pleased to grant five months' time to conclude the trial of the petitioner, failing which liberty has been granted to the petitioner to renew his prayer for release on bail.

This Court had earlier requisitioned the report from the trial Court regarding the stage of trial. From the same, it appears that in this case other than framing of charges, there is no progress at the trial whatsoever and, in fact, some of the co-accused remain absconding. The custody of the petitioner is also now for about 8 years, pending trial.



Considering the aforesaid submissions and custody of the petitioner, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail, in the instant case, is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I, Bagaha, District – West Champaran in connection with Sessions Trial No 297 of 2014 arising out of Piprasi PS Case No 21 of 2009 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as



pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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