

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 11695 of 2021**

Arising Out of PS. Case No.-351 Year-2015 Thana- MASAUDHI District- Patna

NAULESH YADAV @ NAVLESH YADAV Son of Bhagwan Yadav Vill-
Bairichak, P.S.- Masaurhi, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Lallu Prasad, Advocate

For the Opposite Party/s : Mr Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 03-11-2021 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 499 of
2018 arising out of Masaurhi Police Station (for brevity, *PS*)
Case No 351 of 2015 instituted for the offence punishable under
Sections 304B, 201 of Indian Penal Code.

Petitioner is husband of deceased. Earlier, his prayer
for bail was rejected by this Court by order dated 06.04.2018
and 19.06.2019 passed in Cr Misc No 12762 of 2018 and Cr
Misc No 79478 of 2018 respectively. Cr Misc No 6444 of 2020,
filed for grant of bail, was dismissed for non-prosecution on
05.02.2020. It is stated that the petitioner is in custody since



17.08.2017.

Learned counsel for the petitioner submits that there is no allegation of demand for dowry against the petitioner. He further submits that Additional Sessions Judge XXV, Patna, in the order dated 07.10.2020 rejecting prayer for bail of the petitioner, has recorded that in spite ofailable and non-ailable warrant, the witnesses are not appearing at the trial. The submission is that under such circumstances, petitioner as of now has remained in custody for more than four years.

Learned APP has opposed the prayer for bail. However, the submission, based on the order dated 07.10.2020 passed by Additional Sessions Judge XXV, Patna is undeniable.

Having considered the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail 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, Masaurhi, Patna in Sessions Trial No 499 of 2018 arising out of Masaurhi PS Case No 351 of 2015 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)

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