

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2460 of 2021

Arising Out of PS. Case No.-4 Year-2017 Thana- BANKA District- Banka

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DINESH YADAV S/o Late Bhanu Yadav R/o Gora, P.S.- Banka and Distt-
Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey

For the Opposite Party/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 24-03-2021 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Banka P.S. Case No. 04 of
2017 corresponding to Sessions Trial No. 258 of 2018,
registered for the offence punishable under Sections 302, 201
and 34 of the Indian Penal Code.

Earlier the bail application of petitioner was rejected
twice vide order dated 18.07.2018 and 31.01.2020 respectively
with an observation to conclude the trial within a period of six
months. This is third attempt. Vide order dated 10.02.2021,
report was called for regarding the stage of trial and same has
been received (kept at flag 'R'), which reveals that 14 witnesses
have been named in the chargesheet, but despite of regular
efforts none has turned up for examination as witness. Case is
pending for attendance of witnesses for their examination.



It is submitted that charge has already been framed on 17.12.2018, but till date no witness has turned up. Petitioner is in custody since 12.10.2017. Petitioner has got clean antecedent, as stated in para 3 of the petition.

Considering the period of custody and undue delay in trial, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge, Banka in connection with Banka P.S. Case No. 04 of 2017 corresponding to Sessions Trial No. 258 of 2018, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

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

(Prabhat Kumar Singh, J)

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