

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9115 of 2021

Arising Out of PS. Case No.-37 Year-1998 Thana- MURLIGANJ District- Madhepura

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MANOHAR YADAV SON OF LATE JAGU YADAV RESIDENT OF
VILLAGE- GULABBAG, WARD No.18, P.S. AND DISTRICT- PURNEA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 05-07-2021

In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Murliganj PS Case No. 37 of 1998 registered under Sections 279, 337, 338 and 304-A of the IPC.

The petitioner was a truck driver and after his truck dashed killing a lady. He was taken into custody. The offences being bailable, he was enlarged on bail. The bail bond has been cancelled on the ground of its misuse and therefore the petitioner has been in custody since 10.10.2020.

It is submitted by learned Counsel for the petitioner that nearly 23 years have not been enough for the prosecution to bring home the allegation or conclude the trial. Being compelled by



economical condition the petitioner repeatedly moves out of the area where the case has been lodged in course of his job of driving the truck. The petitioner's bail bond was cancelled on 27.4.2015 due to non appearance. In view of communication gap between the petitioner and his lawyer he could not realize that the bail bond had been cancelled and under misconception the lapse has occurred.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of ACJM Ist, Madhepura in Murliganj PS Case No. 37 of 1998 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.

(Madhuresh Prasad, J)

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