

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2557 of 2022

Arising Out of PS. Case No.-75 Year-2018 Thana- RIVILGANJ District- Saran

DEVENDRA RAI @ DEVENDRA KUMAR Son of Late Dharmanath Prasad
Yadav @ Dharmanath Prasad Rai Resident of Village - Jalalpur, P.S.-
Revilganj, Distt.- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kashyap, Adv.
For the Opposite Party/s : Mrs.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-02-2022 Heard the parties through virtual Court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated time, office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Section 302/34 of the IPC.

Earlier, the prayer for bail of this petitioner was rejected vide order dated 30.07.2021 passed in Cr. Misc. No.3776 of 2021 by this Court with a liberty to renew his prayer for bail, if the trial is not concluded within six months.

It is submitted by learned counsel for the petitioner that the petitioner has renewed his prayer for bail vide the instant



application, as the trial has not yet been concluded. In support of this contention, the entire order sheets have been enclosed at Annexure-6 (page-41 to 46). It is further submitted that similarly situated other co-accused persons have been granted bail (Annexure-4 series).

From perusal of the order sheets, it transpires that there is no adequate progress in the trial and the petitioner is in custody since 14.03.2018 i.e. near about 4 years. As such, I am inclined to enlarge the petitioner on bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Revilganj P.S. Case No.75 of 2018, subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present



case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner shall appear before the Police Station of his local area in the first and third week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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