

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9363 of 2022**

Arising Out of PS. Case No.-22 Year-2020 Thana- GOBARDHANA District- West
Champaran

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GENA LAL YADAV, Son of Manager Yadav, Resident of Village -
Baluahawa, P.S.- Gobardhana, Distt.- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Dwivedi, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 17-08-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within two

weeks.

Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned A.P.P. for the State.

This is the second attempt of the petitioner to obtain

bail in connection with Gobardhana P.S. Case No. 22 of 2020

registered for the offences punishable under Section 147, 148,

149, 341, 323, 324, 307, 379, 504 of the Indian Penal Code and

later on Section 302 of the Indian Penal Code was added. He is

in custody since 20.06.2020. The petitioner has no criminal

antecedent.

Learned counsel for the petitioner submits that earlier



the prayer for bail of the petitioner was rejected by this Court after noticing that there is a case and counter case between the parties and the occurrence is said to have taken place on plucking of mango in the orchard but so far as the allegation against this petitioner is concerned, his name has transpired in the statement of the independent witnesses that it is his blow which had proved fatal.

Learned counsel submits that in its order dated 26.03.2021 this Court has indicated that the prayer for regular bail of the petitioner no. 1 is rejected at this stage.

Learned counsel submits that since the last rejection almost one and half years have gone but till date the case has not been even committed to the court of session. There is a specific statement to this effect in paragraph '10' of this application. It is, thus, his submission that on the one hand the petitioner has remained in custody for more than two years but at the same time the trial is not likely to be concluded in near future and considering the nature of the allegations and the manner of occurrence, the petitioner deserves privilege of bail.

Mr. Md. Fahimuddin, learned APP for the State is present and has though opposed the prayer for regular bail of the petitioner but considering that after one and half year of the last



rejection of the prayer for bail of the petitioner, the trial has not proceeded and even the case has not been committed to the court of session, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 1st A.C.J.M., Bagaha, West Champaran in connection with Gobardhana P.S. Case No. 22 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

