

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18632 of 2022

Arising Out of PS. Case No.-404 Year-2019 Thana- ALOULI District- Khagaria

1. PAPPU YADAV Son of Pramod Yadav Resident of village - Hathwan, P.S. - Alauli, District - Khagaria
2. Pramod Yadav Son of Late Shankar Yadav Resident of village - Hathwan, P.S. - Alauli, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh

For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 11-05-2022 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners seek regular bail in connection with Sessions Trial No. 24 of 2021, arising out of Alouli Police Station Case No. 404 of 2019, registered for the offences punishable under Sections 302/447/504/506/34 of the Indian Penal Code and Section 27 of the Arms Act.

This is the second attempt on behalf of the petitioners for grant of regular bail. Earlier, the prayer for regular bail of the petitioners was rejected by this Court, vide order, dated 30.06.2021, passed in Criminal Misc. No. 40416 of 2020, giving liberty to the petitioners to renew their prayer for bail after six



months from the date of the order, if the trial does not show any progress.

The allegation, as per the First Information Report, is that the petitioners along with other accused persons entered into the house of the informant and the petitioner no. 1 (Pappu Yadav) sat on the chest of the husband of the informant and petitioner no. 2 (Pramod Yadav) caught the legs of the deceased and it was the co-accused Raj Kumar Yadav @ Kari Yadav, who fired upon the husband of the informant due to which he died.

Learned Counsel for the petitioners submits that the petitioners have renewed their prayer for bail after nine months instead of six months, as observed by this Court in the order dated 30.06.2021. He further submits that the petitioners, being the non-assailants, are in custody since 19.06.2020, i.e. for about two years. He next submits that the trial has not registered any substantial progress.

This Court, vide order, dated 13.04.2020, had called for a report from the learned Court below regarding the stage of the case and in pursuance of the said order, a report has been submitted by learned Sessions Judge, Khagaria, and from perusal of the same, it would be evident that out of 165 chargesheeted witnesses, three have been examined and 13



witnesses are yet to be examined.

After having heard learned Counsel for the parties and taking into consideration the observation of this Court and the fact that the petitioners are not the assailants, they are in custody for about two years, there is tardy progress in the trial and this is second attempt for bail on behalf of the petitioners, I am inclined to grant regular bail to the petitioners.

This application is, accordingly, allowed.

Let the petitioners, above named, be released on bail, upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Khagaria, in connection with Sessions Trial No. 24 of 2021, arising out of Alouli Police Station Case No. 404 of 2019.

This is subject to the condition that the petitioners shall present themselves before the Court, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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