

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27965 of 2021

Arising Out of PS. Case No.-937 Year-2017 Thana- KATIHAR NAGAR District- Katihar

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SUJIT YADAV @ SUJIT KUMAR YADAV @ SUJIT KUMAR Son of Late
Naresh Yadav Resident of Village - Rasalpur, P.S. - Naugachhia, District -
Bhagalpur, Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Thakur, Advocate
For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-01-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State in virtual court

proceeding.

Let the defects, as pointed out by the office, be

removed within four weeks of start of normal functioning of the

physical court.

Petitioner seeks bail in connection with Katihar Town

P.S. Case No. 937 of 2017 corresponding to Sessions Trial No.

289 of 2018 registered for the offences punishable under

Sections 395, 397 of the IPC and Section 27 of the Arms Act.

The FIR of the occurrence of loot is against unknown.

Petitioner had earlier moved this Court twice in Cr.



Misc. No. 49660 of 2018 and Cr. Misc. No. 36889 of 2019 and both the petitions were rejected. This is the third attempt of the petitioner.

Learned counsel for the petitioner submits that except the CCTV footage, there is nothing specific against the petitioner. He further submits that petitioner was not arrested at the spot. Learned counsel further submits that although charge has been framed on 18.11.2018 but only one witness has been examined by the prosecution.

Vide order dated 23.11.2021 a report was called for with regard to present stage of the trial.

The report of the learned trial Judge would reveal that case is still pending for prosecution evidence (Flag R).

Learned counsel for the petitioner submits that it appears from the report that trial is not going to be concluded in near future and petitioner is in custody since 12.03.2018.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries one criminal antecedent.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released 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 Additional Sessions Judge-7th, Katihar in connection with Katihar Town P.S. Case No. 937 of 2017 corresponding to Sessions Trial No. 289 of 2018, subject to the following conditions:-

1. 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

3. 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 step 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.

(Rajesh Kumar Verma, J)

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