

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19048 of 2022

Arising Out of PS. Case No.-257 Year-2018 Thana- PIPRA District- Supaul

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Ranjay Yadav S/o Budhu Yadav Resident of Village- Chakla, Ward No.13,
P.S.- Pipra, District- Supaul.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Upendra Kumar Chaubey, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 18-07-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

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

Petitioner seeks regular bail in connection with Pipra P.S. Case No. 257 of 2018 registered for the offences under Sections 302, 341, 323, 504/34 of the Indian Penal Code.

Allegedly, petitioner during the occurrence inflicted several khanti blows at the head of the informant's husband who died during the course of medical treatment.

The main submissions advanced by learned counsel for the petitioner are that the petitioner has been languishing in jail since 12.09.2019 and he earlier preferred Cr. Misc. No. 31495 of 2020 for the relief of regular bail before this Court which was rejected with the direction to court below to



complete the trial of petitioner on day to day basis and petitioner was given a liberty to renew his bail prayer if his trial is not completed within nine months. Further submission is that after passing the said order in the above-mentioned criminal miscellaneous only three prosecution witnesses have been examined till now and still seven prosecution witnesses are to be examined and prosecution's attitude is completely lingering the trial of petitioner.

Learned APP appearing for the State has opposed the bail prayer and submitted that against the petitioner there is a serious allegation.

Heard both the sides and perused the FIR. Though against the petitioner there is a serious allegation and the alleged offence relates to murder but considering the fact that while deciding the earlier criminal miscellaneous petition which was preferred by this petitioner, this Court directed the Court below to hold petitioner's trial on day to day basis and conclude the same within nine months, but as per learned counsel's submission the trial of the petitioner is still pending and only three prosecution witnesses have been examined so far. In view of prosecution's lingering attitude in producing the prosecution witnesses before the Court below it appears that petitioner's trial



may take some period to be concluded. The petitioner has been languishing in jail since 12.9.2019. Considering these facts petitioner deserves to the privilege of bail, and a lenient approach can be taken in respect of petitioner's prayer let the petitioner 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 concerned Court in Connection with Pipra P.S. Case No. 257 of 2018, on 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 below and shall remain physically present as directed by the Court below 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) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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