

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22543 of 2022

Arising Out of PS. Case No.-229 Year-2015 Thana- BIHPUR District- Bhagalpur

GAURAV YADAV @ KUMAR GAURAV GOSHWAMI, SON OF MOHAN
YADAV @ JAI PRAKASH YADAV @ JAI PRAKASH NARAYAN YADAV
R/O VILLAGE- JAMALDIPUR, P.S.- BIHPUR, DISTRICT- BHAGALPUR
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary,Adv.
For the Opposite Party/s : Mr.Md.Fahimuddin,A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-09-2022 Learned counsel for the petitioner shall remove all the defects pointed out by the stamp reporter within three weeks from today.

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

This is the second attempt of the petitioner to obtain regular bail in connection with Bihpur P.S. Case No.229 of 2015 registered for the offences under Section 273 of the Indian Penal Code and Section 47(A) of the Bihar Prohibition and Excise Act. The petitioner has four criminal antecedents. He is in custody since 05.08.2020.

Earlier the prayer for bail of the petitioner was rejected vide order dated 09.07.2021 passed in Cr.Misc.No. 20987 of 2021 with a direction to the learned court below to



expedite the trial.

Learned counsel for the petitioner submits that the petitioner has remained in custody for two years but the trial has not progressed and the trial is not likely to be concluded in near future.

Learned APP for the State has though opposed the prayer for bail of the petitioner but does not dispute the aforesaid submission.

Having regard to the submissions that the petitioner is in custody since 05.08.2020, charge has already been framed but the trial has not been concluded and despite observations of this Court vide order dated 09.07.2021 passed in Cr. Misc. No. 20987 of 2021, the trial has not progressed during the given period of six months, this Court directs release of the petitioner above named on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-IX-cum-Special Judge Excise No. 1, Bhagalpur in connection with Bihpur P.S. Case No.229/2015 arising out of G.R. 874 of 2015, subject to the conditions 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 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.

Certified copy of the order will be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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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'.

