

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31898 of 2021

Arising Out of PS. Case No.-145 Year-2017 Thana- BIKRAM District- Patna

Bhorik Yadav @ Ashok Yadav, aged 45 years, Son of Ram Sakal Yadav
Resident of Village - Nizampur Tola, P.S.- Bikram, District-Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ganesh Prasad Yadav, Adv.
For the Informant	:	Mr. Lovekush Kumar, Adv.
For the State	:	Ms. Meena Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 12-01-2022 The matter has been listed today for consideration through Video Conference.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

Heard learned counsel for the petitioner, informant and learned counsel for the State.

The petitioner seeks bail in Bikram P. S. Case No. 145 of 2017, instituted for the offence under Sections 302,120B, 307, 325, 341,323/34 of the Indian Penal Code.

The petitioner has renewed his prayer again for the fourth time for grant of bail. Earlier, applications were rejected having



regard to the specific allegations of assault by iron rod on head of the victim causing death.

It is submitted by the petitioner's counsel that more than four years four months have elapsed in custody. Out of 15 only five witnesses have been examined at the trial.

Learned counsel for the informant has appeared and opposed the prayer for bail. He has submitted that non examination of the remaining witnesses is on account of various justifiable reasons. Whatever may be the reasons, continued incarceration of the petitioner for more than four years, when there is no progress in the trial, cannot be countenanced. This Court, is of the view that a case for grant of bail to the petitioner is made out. The petitioner also has no criminal antecedents which is also a mitigating circumstance.

Considering the rival submissions as also the facts and circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. 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 Chief Judicial Magistrate, VII, Danapur, Patna, in



connection with Sessions Trial No. 181 of 2018 arising out of
Bikram P. S. Case No. 145 of 2017, subject to the following
conditions:-

(i) That one of the bailors will be a close relative of the
petitioner who will give an affidavit giving genealogy as to how
he is related with the petitioner. The bailor will also undertake to
inform the Court if there is any change in the address of the
petitioner.

(ii) That the petitioner will be well represented on each
date and if he fails to do so on two consecutive dates, his bail
bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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