

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23365 of 2022

Arising Out of PS. Case No.-131 Year-2016 Thana- KHODAWANDPUR District- Begusarai

RAJU YADAV S/O LAKHINDER YADAV R/o village- Purapathar, P.S.-
Khodawanpur (Chhauhi O.P.), District- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Saket Kumar, Advocate

For the Opposite Party : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-08-2022 Heard learned counsel for the petitioner and the State.

Four weeks' time is granted to the counsel for the petitioner to remove the defect(s) as pointed out by the office.

The petitioner seeks bail in a case registered for the offence under Sections-147, 148, 149, 302 of the Indian Penal Code and under Section-27 of the Arms Act.

The first application for bail of the petitioner was rejected by a coordinate bench (then His Lordship was) of this court vide order dated 07-03-2018 passed in Cr. Misc. No. 3145 of 2018 with a direction to conclude the trial within a period of one year. The second application for bail of the petitioner was rejected by this court vide order dated 18-09-2018 passed in Cr. Misc. No. 50658 of 2018. The third application for bail of the petitioner was rejected by this court vide order dated 11-09-



2019 passed in Cr. Misc. No. 38174 of 2019 with a direction to conclude the trial, preferably, within a period of six months and the fourth application for bail of the petitioner was rejected by this court vide order dated 08-09-2021 passed in Cr. Misc. No. 11929 of 2021 with a direction to conclude the trial within a further period of six months, taking into account that only two official and one non-official witnesses were left to be examined.

This is the fifth attempt of the petitioner for grant of bail.

A report was called for from the trial court.

It has been reported that still three witnesses are yet to be examined in the present case.

It seems that the trial did not progress in spite of direction made by this court in the order dated 08-09-2021 passed in Cr. Misc. No. 11929 of 2021.

Counsel for the petitioner submits that the petitioner has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioner. It has further been submitted that the petitioner is in custody since 09-11-2016 and hence, he has remained in custody approximately for six years and there is no chance of the trial being concluded in near future.



Counsel for the State submits that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, the petitioner, named above is directed to 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 learned A.D.J.-V, Begusarai in connection with Sessions Trial No. 280 of 2017 arising out of Khodawanpur (Chhaurahi OP) P.S. Case No. 131 of 2016.

It is made clear that the petitioner shall cooperate in the trial and if, the court below feels that the petitioner is not cooperating during the trial, the court below shall be at liberty to cancel the bail bond of the petitioner.

(Sudhir Singh, J)

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