

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23952 of 2022

Arising Out of PS. Case No.-52 Year-2010 Thana- DHARHARA District- Munger

MAHESH YADAV Son of Late Govind Yadav @ Late Govind Prasad Yadav
Resident of Village- Jatkutiya, P.S.- Dharhara, District- Munger.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S. K. Lal
		Mr. Umesh Prasad
For the Opposite Party/s	:	Mr. Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 29-06-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Sessions Trial No. 52 of 2019, arising out of Dharhara Police Station Case No. 52 of 2010, registered for the offences punishable under Sections 147/148/149/379/427/124(A) of the Indian Penal Code, Section 17 of the C.L.A. Act, Section 13 of the U. A. P. Act, Section 13 of the Damage to the Public Property Act and Sections 3/4/5 of the Explosive Substances Act.

This is the third attempt on behalf of the petitioner for grant of regular bail. Earlier, the prayer for regular bail of the petitioner was rejected twice by this Court, vide order, dated



31.01.2020, passed in Criminal Misc. No. 53004 of 2019 and order, dated 21.06.2021, passed in Criminal Misc. No. 1599 of 2021. While rejecting the bail application of the petitioner on 21.06.2021, this Court had granted liberty to the petitioner to renew his prayer for bail after three months from the date of the order, if the trial does not make any progress.

Learned Counsel for the petitioner submits that the petitioner has renewed his prayer for bail, as observed by this Court, in the order dated 21.06.2021. He further submits that the petitioner is in custody since 10.09.2018 and since then the trial has not made any substantial progress inasmuch as on the last occasion, a report was furnished by the learned Trial Court, in which the estimated time for disposal of the trial was given as six months and it was further informed that out of 17 witnesses, 03 have been examined and cross-examined.

This Court, vide order, dated 11.05.2022, had, again, called for a report from the learned Court below regarding the stage of the case and in pursuance of the said order, a report has been furnished by learned 5th Additional Sessions Judge, Munger, dated 18.05.2022, stating therein that altogether three witnesses have been examined and remaining fourteen witnesses are yet to be examined. The report of the learned



Trial Court shows that since the last rejection, the trial has not make any progress at all.

After having heard learned Counsel for the parties and taking into consideration the tardy progress in the trial and fact that the petitioner is in custody since 10.09.2018 and this is the third attempt on behalf of the petitioner for grant of regular bail, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 5th Additional Sessions Judge, Munger, in connection with Sessions Trial No. 52 of 2019, arising out of Dharhara Police Station Case No. 52 of 2010.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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