

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25790 of 2022

Arising Out of PS. Case No.-7 Year-2012 Thana- CHANAN District- Lakhisarai

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JEEVAN YADAV Son of Uttim Yadav Resident of Village - Mahuliya Bhalui,
P.s.- Chanan, Distt.- Lakhisarai ... Petitioner

Versus

The State of Bihar ... Opposite Party

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Appearance :

For the Petitioner : Mr. Mukesh Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-08-2022 Heard Mr. Kukesh Kumar, learned counsel for the

petitioner and Mr. Jitendra Kumar Sinha, learned Additional

Public Prosecutor, who represents the State.

The case is registered under Sections 376, 325, 324,
307 and 34 of the Indian Penal Code in connection with
Sessions Trial No. 706 of 2013 arising out of Chanan P.S. Case
No. 7 of 2012.

It is unfortunate that a man is in jail since 2012 and
the legal system has failed to do justice to him inasmuch as
despite he being in custody since last ten years and that the trial
has concluded against him.

Last, the petitioner had moved this Court was in 2013
vide Cr. Misc. No. 38450 of 2013 which was rejected on
21.04.2014 by a coordinate Bench of this Court.

Thereafter, it was only in the year 2022 that the



petitioner preferred another bail application before learned Sessions Judge, Lakhisarai, which was rejected on 07.04.2022.

Learned Trial Court passed the bail order in a routine manner inasmuch as it failed to record :

- (i) the period since the petitioner is in custody and
- (ii) the reason behind the delay in trial.

Taking into account the sole reason that the petitioner is in custody since 28.02.2012 (as mentioned in paragraph 9 of the bail application) and the trial against him has not been concluded, this Court is inclined to grant the privilege of bail.

The petitioner is directed to be released on bail in connection with Chanan P.S. Case No. 7 of 2012 on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge I-cum-Special Judge, Lakhisarai, subject to the following conditions :

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bonafide.

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of



bail by the Trial Court itself.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Shamshad/-

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