

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37335 of 2021**

Arising Out of PS. Case No.-68 Year-2019 Thana- BELDOUR District- Khagaria

=====

BARUN YADAV S/o Late Laxmi Yadav R/o Village- Pirnagara (Pirnagara
(Pirnagra), P.S.- Beldaur, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :
For the Petitioner/s : Mr.Pawan Kumar, Advocate
For the Opposite Party/s : Mrs.Sangeeta Sharma, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-02-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State in virtual court

proceeding.

Let the defects, as pointed out by the office, be

removed within four weeks of start of normal functioning of the

physical court.

Petitioner seeks bail in connection with Beldaur P.S.

Case No. 68/2019 registered for the offences punishable under

Sections 147, 341, 323, 307, 302, 504, 506 of the IPC.

Earlier the bail application of the petitioner has been

rejected by a co-ordinate Bench of this Court vide order dated

25.02.2020 passed in Cr. Misc. No. 2414 of 2020 with

observation that “ having heard both sides, in view of the



allegation, at this stage, I am not inclined to enlarge the petitioner on bail, accordingly, the application is dismissed.”

Allegation against the petitioner and other accused persons is of assault to the husband of informant by means of lathi, danda and rod causing his death.

Learned counsel for the petitioner submits that petitioner has clean antecedent and is in custody since 06.09.2019.

Vide order dated 07.12.2021 a report was called for with regard to stage of the trial.

The learned trial court vide its letter no. 209/2021 dated 21.12.2021 (Flag-X) sent the required report in which it has been reported that the case is pending at the stage of prosecution evidence. It has further been reported that out of twelve witnesses only two witnesses have been examined.

Learned counsel for the petitioner submits that from perusal of aforesaid report it appears that trial is not going to be concluded in the near future and the petitioner is in custody since 17.08.2019.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances and



period of custody, 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 Sessions Judge-V, Khagaria in connection with Beldaur P.S. Case No. 68/2019, S.T. No. 119/2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

shahzad/-

U		T	
---	--	---	--

