

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25811 of 2020

Arising Out of PS. Case No.-95 Year-2018 Thana- BACHHWARA District- Begusarai

Bhushan Yadav Son of Ram Swarth Yadav @ Ram Sogarath Yadav @ Ream Sogarath Yadav Resident of Village- Narepur, P.S.- Bachhwara, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

12 06-01-2022 Heard learned counsel for the petitioner and learned A.P.P. for the State through virtual Court proceedings.

The petitioner seeks regular bail in connection with Sessions Trial No. 596 of 2018 arising out of Bachhwara P.S. Case No. 95 of 2018 dated 13.06.2018 instituted for the offences under Sections 147, 148, 149, 120B and 302 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 16.07.2018 and is a person with clean antecedent.

Learned counsel for the petitioner submits that the present bail application has been filed in terms of the liberty granted to the petitioner to renew his prayer for bail by order



dated 28.08.2019 in Cr. Misc. No. 39632 of 2019 in the event the trial is not concluded within a period of nine months from the date of receipt/production of copy of the order.

In view of the order dated 28.08.2019 a report was called for from the learned court below, the report contained in Letter No. 165/2020 dated 07.12.2020 is received and from perusal of the same it manifests that the case was fixed for prosecution evidence, summons were issued against prosecution witnesses on 07.05.2019, thereafter bailable warrants were issued against prosecution witnesses on 30.08.2019, thereafter non-bailable warrants were issued against prosecution witnesses on 26.02.2020 but it seems that the witnesses are not appearing. The report further records that accused Nitish Kumar Rai has not been filing any *pairvi* in the case.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner was given liberty to renew his prayer for bail and the report received from the learned court below shows that the prosecution witnesses are not interested in prosecuting the case as such the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with



two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-XVI, Begusarai in connection with Sessions Trial No. 596 of 2018 arising out of Bachhwara P.S. Case No. 95 of 2018 with a condition that one of the bailors shall be the father of the petitioner and in the event the petitioner does not appear on two consecutive days in the trial, the learned court below will forthwith cancel his bail bonds.

(Satyavrat Verma, J)

Rishi/-

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

