

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32684 of 2022

Arising Out of PS. Case No.-554 Year-2020 Thana- BAHADURPUR District- Darbhanga

LALAN YADAV Son of Ramkripal Yadav Resident of Village - Ghorghatta,
P.s.- Bahadurpur, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	M/s Chitranjan Sinha, Sr. Advocate Ranjit Kumar Yadav, Advocate Rupam Kumari, Advocate
For the Opposite Party/s :		Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 24-08-2022 Heard learned counsel for the parties.

The petitioner has renewed his prayer for grant of regular bail in a case registered under section 302 and other sections of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, the five named accused persons including the petitioner herein are said to have shot the brother of the informant as a result of which he died.

It is submitted by learned senior counsel appearing for the petitioner that the earlier prayer for bail of the petitioner was rejected vide order dated 29.11.2021 (Annexure-1) passed in Cr. Misc. no. 24992 of 2021 with a direction to the learned trial court to expedite the trial. In spite of the petitioner having



remained in custody since 8.12.2020, the trial is still continuing and there is no chance of the same concluding in the near future. Further referring to the contents of the postmortem report, it is submitted that as against allegation of five accused persons including the petitioner having fired, only one injury has been found in the postmortem report in so far as the two injuries mentioned therein are communicating with each other. The petitioner undertakes to cooperate in the trial.

Heard learned APP for the State.

A report was called for from the learned trial Court. As per the report received contained in letter dated 25.7.2022, four witnesses out of the eleven witnesses proposed by the prosecution have been examined.

Having heard learned counsel for the parties and taking into consideration the nature of allegation, the contents of the postmortem report, the petitioner having remained in custody since 8.12.2020 and the contents of the report with respect to the trial received from the learned trial court, the petitioner is directed to be enlarged on bail in connection with S.T. no. 129 of 2021/R-129 of 2021 (arising out of Bahadurpur P.S. Case no. 554/2020) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of the learned 1st Addl. Sessions Judge,
Darbhanga.

It is directed that the petitioner shall remain physically
present in the trial court on each date of the trial and in case of
absence of the petitioner on two consecutive dates for reasons
not to the satisfaction of the learned trial court or in case the
learned trial court is of the opinion that the trial is being delayed
due to non cooperation on part of the petitioner, the learned trial
court may cancel the bail bond of the petitioner and take him
into custody till conclusion of the trial.

(Partha Sarthy, J)

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