

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33672 of 2022

Arising Out of PS. Case No.-248 Year-2017 Thana- ALOULI District- Khagaria

RABINDRA YADAV @ RAVINDRA YADAV son of Shiv Kumar Yadav
Resident of Village - Sanjhauti, Police Station- Alauli, District - Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarbottam Kumar Sarkar, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 06-07-2022 Heard Mr. Sarbottam Kumar Sarkar, learned

Advocate for the petitioner and Mr. Md. Aslam Ansari for

the State.

The prayer for bail of the petitioner was earlier
rejected thrice on 24.09.2018, 05.03.2020 and 25.08.2021.

While rejecting the prayer for bail of the petitioner
on 25.08.2021, this Court had directed, taking into account
the period of custody of the petitioner which is from
23.03.2018, to conclude the trial within a period of nine
months. A liberty was granted to the petitioner to approach
this Court if there was no substantial progress in the case
within the next six months of the rejection of bail by this
Court.



The learned counsel for the petitioner has brought on record the order-sheet of the court below which indicates that only one witness up till now has been examined by the prosecution, who has not even been cross-examined.

There is nothing on record to indicate that the delay in trial is attributable to the petitioner or any other accused person.

It is the contention of the petitioner that though he is said to have fired at the deceased causing fatal injury but the prosecution has not come up with any motive behind the occurrence.

Motive may not be a relevant factor in deciding a criminal case; nonetheless considering the period of the custody of the petitioner and the slow pace of the trial, this Court is inclined to grant bail to the petitioner subject to certain conditions.

The petitioner shall be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge Vth, Khagaria in connection with Sessions Trial No. 42 of 2018,



arising out of Alauli P.S. Case No. 248 of 2017.

The petitioner shall participate in the trial diligently and his absence from the trial proceedings on two consecutive occasions without proper permission from the trial court would render his bail liable to be cancelled. The petitioner shall not leave the territorial confines of the district where the trial is continuing without seeking approval of the trial court. He shall get his presence marked before the officer-in-charge of the concerned police station on the first Wednesday of every month. The petitioner shall keep his mobile telephone number, which number he shall provide at the time of furnishing of bail bonds, in operative condition till the conclusion of the trial.

Breach of anyone of the conditions enumerated above shall render his bail liable to be cancelled.

The application stands allowed.

(Ashutosh Kumar, J)

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