

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39957 of 2022**

Arising Out of PS. Case No.-70 Year-2019 Thana- CHAUTHAM District- Khagaria

MITHILESH YADAV @ MITHLISH YADAV @ MITHLESH YADAV S/O
NAND KISHORE YADAV Resident of Village- Darauli, P.S.- Balia, District-
Begusarai, at present resident of Village- Nauranga, P.S.- Chautham, District-
Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Viveka Nand Singh, Advocate
For the Opposite Party : Mr. Brajendra Nath Pandey, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

6 19-10-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

This application for grant of regular bail arises out of
Chautham P.S. Case No. 70 of 2019, registered for the offence
punishable under Sections 341, 323, 307, 504, 302, 379/34 of
the Indian Penal Code.

The petitioner is in custody since 27.03.2019. His
prayer for bail was earlier rejected by an order 20.11.2019
passed in Cr. Misc. No. 48565 of 2019 with an observation that
the petitioner would be at liberty to renew his prayer for bail
after one year if in the meanwhile there was no substantial
progress at the trial. His second prayer for regular bail was
rejected by an order dated 24.02.2021 passed in Cr. Misc. No.



6436 of 2021 with an observation that the learned trial court must take all possible steps for expeditious conclusion of the trial. It was further observed that if the trial was not concluded within six months from the said date, the petitioner would be at liberty to renew his prayer for bail. The petitioner's third attempt to get regular bail also failed with the passing of an order dated 22.12.2021 in Cr. Misc. No. 58407 of 2021, which was rejected with a direction to the court below to ensure that the trial was expedited. It was further mentioned in the said order that if trial was not concluded within six months, the petitioner would be at liberty to renew his prayer for grant of regular bail.

Apparently, in view of the said observations made in the order dated 22.12.2021, this fourth application has been filed on behalf of the petitioner for his release on bail.

Mr. Viveka Nand Singh, learned counsel appearing on behalf of the petitioner has submitted that one co-accused, Nand Kishore Yadav, the petitioner's father, against whom the allegation is same, has been allowed bail by this Court by an order dated 07.11.2019 passed in Cr. Misc. No. 64202 of 2019. He has further submitted that out of nine charge-sheet witnesses for the prosecution, only four witnesses have been examined till



date and there is no likelihood of the conclusion of the trial in recent future.

Be that as it may, considering the circumstance that the petitioner is in custody since 27.03.2019 and despite observations made by this Court, the trial has not concluded, petitioner's prayer for bail is allowed.

I have kept in mind, while passing the present order, that the co-accused Nand Kishore Yadav has been allowed bail by this Court.

Accordingly, 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-Vth, Khagaria, in Chautham P.S. Case No. 70 of 2019.

(Chakradhari Sharan Singh, J)

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