

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41739 of 2022

Arising Out of PS. Case No.-240 Year-2019 Thana- HARLAKHI District- Madhubani

SARVAN YADAV @ SHRAVAN YADAV Son of Ram Ekbal Yadav Resident
of village - Kalna, P.S.- Harlakhi, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

.. ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 14-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has renewed his prayer for bail in a
case registered under sections 302, 201 and 34 of the Indian
Penal Code.

As per the prosecution case the daughter of the
informant who was married to the petitioner was done to death.

It is submitted by learned counsel for the petitioner
that the earlier prayer for bail of the petitioner was rejected vide
order dated 4.1.2022 (Annexure-1) passed in Cr. Misc. no.
18657 of 2021 directing the learned trial Court to expedite the
trial. The petitioner is in custody since 2.12.2019 and there is
no chance of the trial concluding in the near future.

Heard learned APP for the State.

A report was called for from the learned trial Court.



As per the report contained in letter dated 18.8.2022 of the Additional District and Sessions Judge VIII, Madhubani, two witnesses have been examined on behalf of the prosecution while summons have been issued to the remaining six witnesses.

On perusal of the materials on record it transpires that the two witnesses who have been examined in the case have been declared hostile. Further from the report it transpires that the summons have been issued for appearance of the witnesses. The petitioner has remained in custody for more than 2 years 8 months.

In the facts of the case, the petitioner is directed to be enlarged on bail in connection with Harlakhi P.S. Case no. 240 of 2019 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 Additional District and Sessions Judge VII, Madhubani on the following conditions :

(i) one of the bailors of the petitioner shall be the father of the petitioner.

(ii) The petitioner shall remain physically present in Court on each date of the trial and shall cooperate in the trial.

(Partha Sarthy, J)

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