

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43531 of 2022

Arising Out of PS. Case No.-342 Year-2018 Thana- SAHEBPUR KAMAL District-
Begusarai

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Pujan Yadav, Son of Hisabi Yadav, Resident of Village - Morkahi, P.S.-
Muffasil, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 30-11-2022 The applicant/accused in Crime No. 342 of 2018

(Sessions Case No. 16 of 2021) registered with Sahebpur
Kamal Police Station for the offences punishable under
Section 302 r/w Section 34 of the Indian Penal Code as well as
Section 27 of the Arms Act, by this application is seeking his
release on bail during pendency of the trial. This is third bail
application of the applicant.

Earlier the Coordinate Bench of this Court had
directed the learned trial court to decide the subject trial within
a period of nine months with a permission to the applicant to
renew his prayer for grant of bail if the trial is not concluded
within nine months. Despite rejection of the bail application on



merit, the applicant has again moved this application by contending that there is no progress at all in the pending trial and co-accused are already released on bail.

The learned counsel for the applicant argued that co-accused Kailu Yadav and Shambhu Yadav are directed to be released on bail by the Coordinate Benches of this Court vide order dated 04.12.2020 passed in Criminal Misc. No. 26548 of 2020 and vide order dated 28.08.2019 passed in Criminal Misc. No. 53424 of 2019 respectively. It is argued that role attributed to these two accused Kailu Yadav and Shambhu Yadav is identical with the applicant Pujan Yadav before this Court. It is further argued that the applicant is behind bars from 24.01.2019 and despite framing of the charge on 22.02.2021 not a single witness is examined up till now.

The learned Additional Public Prosecutor opposed the application by contending that there is no ground for entertaining this bail application.

I have considered the submissions so advanced and also perused the materials placed before me.

Indisputably the applicant is behind bars from 24.01.2019 undergoing pretrial detention. As of now despite lapse of about three years, there is no progress in the trial. Not



a single witness is examined.

According to the prosecution case, First Informant Chand Yadav was riding the motorcycle with his brother Mithilesh Yadav (since deceased) as a pillion rider. On two motorcycles, the accused persons including applicant Pujan Yadav and co-accused Kailu Yadav as well as Shambhu Yadav so also others came and accosted them. It is further averred that Kailu Yadav, Shambhu Yadav, Sudhir Yadav and applicant Pujan Yadav fired bullets at Mithilesh Yadav causing his death.

As stated, indisputably Kailu Yadav and Shambhu Yadav are granted bail by the Coordinate Benches of this Court in the year 2019 as well as 2020. Role attributed to the present applicant is similar in nature. The trial has not yet commenced despite lapse of three years. Hence, now I see no reason to refuse bail to the application and therefore, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 342 of 2018 (Sessions Case No. 16 of 2021) registered with Sahebpur Kamal Police Station for the offences punishable under Section 302 r/w Section 34 of the Indian Penal Code as well as Section 27 of the Arms Act be released on bail on executing P.R. bond



of Rs.10,000/- (Rupees Ten Thousand) and on furnishing two sureties in the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant should remain present on each and every date of hearing before the trial court and in case of default on two consecutive dates, bail bond of the applicant shall liable to be forfeited.

(II) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(III) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(IV) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(V) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this



order only after removal of office objections by the
appellant/accused.

Bhardwaj/-

(A. M. Badar, J)

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