

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4239 of 2021

Arising Out of PS. Case No.-291 Year-2019 Thana- LAXMIPUR District- Jamui

Raj Kumar Yadav @ Rajkumar Yadav @ Raj Kumar Son of Ram Yadav
Resident of Village - Kevali, P.S.- Laxmipur, Distt.- Jamui.

... .. Appellant

Versus

1. The State of Bihar
2. Dakhiya Devi w/o Sita Ram Tanti Resident of Village - Kenuhat, P.S.-
Laxmipur, Distt.- Jamui.

... .. Respondents

Appearance :

For the Appellant/s : Mr. Brajesh Sahay, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 14-12-2022 Heard learned counsel for the appellant and Mr. Binay
Krishna, learned Special PP for the State.

Even as the respondent no. 2 has entered appearance through her lawyer and his name is appearing in the cause list, no one appears on behalf of respondent no. 2 to oppose this appeal.

By filing this appeal, the appellant has renewed his prayer for bail. Earlier, his prayer for bail was rejected by this Court vide order dated 20.02.2021 with an observation that if the trial of the case is not concluded within a period of six months, for no reason attributable to the appellant, the appellant may renew his prayer for bail.

Learned counsel for the appellant submits that during this period, the informant has already been examined and she has stated that she had given the name of the appellant on suspicion at the



instance of the police officer.

This Court called for a report from the learned trial court as to the present stage of the trial and from the information available on the record, only three witnesses have been examined so far and the matter is fixed for examination of the remaining prosecution witnesses and non-bailable warrants have been issued to the rest of the witnesses.

Mr. Binay Krishna, learned Spl. PP for the State has though opposed the prayer for bail of the appellant but considering the facts and circumstances of the case, the materials noted hereinabove and the observations of this Court in the previous order, the fact being that the trial has not been concluded during all this period and the petitioner has remained in custody since 14th August, 2019, this Court sets aside the impugned judgment and directs release of the appellant above named on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five Thousand Rupees Only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-1-cum-Special Judge, SC/ST Act, Jamui in connection with SC/ST Case No. 203 of 2019 arising out of (Jamui) Laxmipur P.S. Case No. 291 of 2019, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the



court below shall take steps for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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