

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66928 of 2021

Arising Out of PS. Case No.-8 Year-2003 Thana- KASMA District- Aurangabad

MANOJ @ JHAKAS YADAV Son of Lakhan Yadav Resident of Village -
Bhadu Ki Kala Tola Bankey Bigha, P.S.- Kasma, Distt.- Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Soni Kumari

For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 04-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the state.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Session Trial No. 255/18/96/2021 arising out of
Kasma P.S. Case No. 08 of 2003 registered for the alleged
offences under Sections 302 and 34 of the Indian Penal Code.

The prosecution case is that the petitioner is innocent
and has been falsely implicated in this case. There is no specific
allegation of assault against the petitioner. General and omnibus
allegations have been levelled against the petitioner and co-
accused persons. Learned counsel further submits that other co-



accused persons with graver allegation have been granted bail by a Coordinate Bench vide order dated 22.03.2004 passed in Cr. Misc. No. 2504 of 2004 and vide order dated 23.02.2004 passed in Cr. Misc. No. 34578 of 2003. The case of the petitioner stands on better footing. Learned counsel further submits that when the petitioner moved an application for bail, vide order dated 19.06.2018 passed in Cr. Misc. No. 16294 of 2018, this Court has been pleased to direct the learned Trial Court to expedite the trial and conclude the same within two years but till date only three witnesses have been examined. The petitioner is in custody since 14.12.2017.

Learned A.P.P. has opposed the prayer for bail of the petitioner and submitting that the petitioner was declared absconder.

Having regard to the submissions made hereinabove especially the fact that despite order of this court trial has not been completed so far and considering the fact that similarly placed co-accused persons have been granted bail by a Coordinate Benches earlier and further considering the period of custody of this petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to



the satisfaction of learned 7th Additional Sessions Judge, Aurangabad in connection with Session Trial No. 255/18/96/2021 arising out of Kasma P.S. Case No. 08 of 2003, subject to the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Gautam/-

U		T	
---	--	---	--

