

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61394 of 2022

Arising Out of PS. Case No.-83 Year-2020 Thana- KHAGAUL District- Patna

MUNCHUN YADAV @ RAKESH KUMAR S/O Late Jatadhari Yadav @
Ganguli Rai (Yadav) R/O Village- Babuchak, P.S- Phulwari, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, A.P.P.
For the Opposite Party/s	:	Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 21-12-2022 Heard Mr. Ajay Kumar Thakur, learned counsel for
the petitioner and Mr. Nawal Kishore Prasad, learned Additional
Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Sessions Trial No. 234 of 2021 arising out of Khagaul P.S. Case
No. 83 of 2020 registered for the offence punishable under
Section 302 of the Indian Penal Code and Section 27 of the
Arms Act.

This is second attempt for grant of regular bail on
behalf of the petitioner inasmuch as earlier the bail application
of the petitioner was rejected by this Court vide order dated
6.4.2022 passed in Cr. Misc. 37664 of 2021 with liberty to
renew his prayer for grant of regular bail after six months if the



trial does not show any progress.

The petitioner has been made accused in this case on the basis of suspicion mainly on the ground that there was a quarrel between the petitioner and deceased on the point of payment of some amount about two days before from the date of occurrence and the petitioner had threatened the deceased of dire consequences. The dead body of the brother of the informant was found near his hutment after two days.

Learned counsel for the petitioner submits that the trial has not progressed from the last rejection of the bail application of the petitioner and no prosecution witness has been examined by the learned Trial Court.

This Court vide order dated 23.11.2022 had called for a report from the trial court regarding stage of trial and in pursuance thereof, the report of learned Additional Sessions Judge 3rd, Danapur, dated 14.12.2022, is on record and from perusal of the same, it transpires that the charge against the accused person has been framed on 5.12.2022 and the first date has been fixed on 6.1.2023 for examination of prosecution witness. The petitioner is in custody since 30.12.2020.

Regards being had to the submission made by the parties and taking into consideration the materials on record and



the fact that the petitioner is in custody since 30.12.2020, the trial has not registered any substantial progress since then and there is no likelihood that the petitioner will abscond or tamper with the evidence, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-III, Danapur, Distt. Patna, in connection with Khagaul P.S. Case No. 83 of 2020 subject to the condition that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

(Anil Kumar Sinha, J)

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