

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70606 of 2022**

Arising Out of PS. Case No.-290 Year-2020 Thana- GAYA MUFASIL District- Gaya

SUBHAM YADAV @ SUBHAM KUMAR @ LEFTI YADAV Son of Jairam
Yadav Resident of Mohalla- Bangla Asthan, P.S.- Kotwali, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priya Ranjan, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 21-12-2022 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

Learned A.P.P. for the State, Mr. Chandra Bhushan Prasad, files a counter-affidavit on behalf of Senior Superintendent of Police, Gaya.

From perusal of the counter-affidavit, it appears that out of six witnesses, four witnesses have been examined and one witness is to be examined on 10.01.2023 and the I.O. of the case i.e., Sub-Inspector, Pawan Kumar Mishra, is under suspension and is in judicial custody presently. The learned A.P.P. for the State submits that since the I.O. of the case himself is in judicial custody, as such, the trial could not be completed.



Learned counsel for the petitioner after going through the counter-affidavit submits that an officer who investigated the case himself is in judicial custody that in itself demonstrates that how fair he would have been in investigating the present case. It is next submitted that no doubt the petitioner has antecedent of twelve cases but in most of the cases, the petitioner was not named FIR accused, likewise, in the present case also, he came to be implicated despite not being named in the FIR. Learned counsel next submits that by order dated 31.03.2022 in Criminal Misc. No. 64878 of 2021, this Court had clearly recorded, in the event, if the trial is not concluded within a period of seven months, as aforesaid, the petitioner will be at liberty to renew his prayer for bail and it will be construed that the prosecution had adopted a lackadaisical approach in getting the trial concluded within the time aforesaid since all the witnesses were officials, it is further submitted that since the Investigating Officer of the case himself is in judicial custody, as such, it does not appear probable that the trial would be concluded expeditiously, it is further submitted that petitioner will not abscond, rather,



will face the trial on day-to-day basis and will not skip any date in the trial.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody, is a person with clean antecedent and charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Mufasil P.S. Case No. 290 of 2020.

Further, one of the bailors shall be the father of the petitioner, Mr. Jairam Yadav.

The petitioner, while on bail, shall keep on marking his attendance in the concerned P.S. in between 1-5 of every month commencing from January 2023 till the trial is not completed.

In the event, if the petitioner, in between the aforesaid dates, in any of the month before completion of



the trial does not mark his attendance, the same shall be brought before the notice of the learned Trial Court by the S.H.O. of the concerned P.S. and the learned Trial Court shall forthwith cancel the bail bonds and would take all coercive steps to put him behind bars.

The learned trial court is directed to send a copy of this order to the concerned P.S. for its strict compliance.

(Satyavrat Verma, J)

HarshPandey/-

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