

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4557 of 2023

Arising Out of PS. Case No.-10 Year-2013 Thana- ROSHANGANJ District- Gaya

BHIM YADAV @ HARI MOHAN YADAV @ PAHADI FUL @ LULHA
Son of Late Kheman Yadav R/V- Mainka, P.S- Imamganj, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan

For the Opposite Party/s : Mr. Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 15-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 147, 148, 149, 353, 427, 379, 302, 124A & 120B of the Indian Penal Code, Section 27 of the Arms Act, Section 17 of the C.L.A. Act and Section 3, 4 & 5 of the Explosive Substance Act.

This is the third attempt of the petitioner to move before this Court for grant of bail. Earlier vide order 04.10.2018 passed in Cr. Misc. No.41924 of 2018 and vide detailed order dated 10.09.2021 passed in Cr. Misc. No.9443 of 2021, the prayer for bail of the petitioner was rejected. On 10.09.2021, this Court, while rejecting the prayer of the petitioner, has directed the learned Court below to conclude the trial preferably



within a period of one year and if the trial is not concluded within the stipulated period, the petitioner may renew his prayer for bail. Accordingly, the petitioner has renewed his prayer.

Vide order dated 15.02.2023, this Court had called for a report from the learned Court below. In compliance thereof, a report dated 25.02.2023 sent by the learned A.D.J., Sherghati, Gaya is on record at flag 'A', in which *inter alia* it is stated that there are twelve charge-sheet witnesses and out of twelve only one witness has been examined and the case may be concluded within one year.

In view of the report of the learned A.D.J. and the liberty given to the petitioner vide order dated 10.09.2021 to renew his prayer for bail as also the fact that the petitioner has been languishing in custody since 31.01.2017, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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 Roshanganj P.S. Case No.10 of 2013, subject to the following conditions :

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.



(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

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