

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6261 of 2023

Arising Out of PS. Case No.-1 Year-2013 Thana- DUMARIYA District- Gaya

MAHESHI YADAV @ RAGHUBANSH JEE @ RAGHUBANS JI, Son of
Late Makhu Yadav, R/V- Kathautia, Jhanjhi P.S- Barachatti, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 03-05-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Dumariya P.S.
Case No. 01 of 2013 registered for the offence punishable under
Sections 364, 302 and 34 of the Indian Penal Code, Section 27 of the
Arms Act and Section 17 of the Criminal Law Amendment Act.

Since 23.04.2019, the petitioner is in custody in
connection with this case, wherein it is alleged that 5 unknown
persons have kidnapped the informant's son, whose dead body
has been recovered the next day.

The petitioner's prayer for bail was earlier rejected on
13.09.2021 in *Cr. Misc. No. 7973 of 2021*, considering the
submissions advanced on behalf of the State including
submission regarding the petitioner being the member of an



extremist organization. It appears from the earlier order that most of the co-accused persons were not appearing in the proceedings. To facilitate expeditious trial, it was split on 06.09.2021.

Learned counsel for the petitioner, however, submits that till date, not a single witness has deposed at the trial and the petitioner has been languishing in custody for more than 4 years. Moreover, investigation is also complete and as such there is no chance of tampering of evidence.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, as well as report of the learned trial court, from which it is evident that witnesses have not been examined till date of the report dated 07.02.2023, and having regard to the period of incarceration pending trial, this Court, for the purposes of grant of bail, is thus inclined to accept the submissions advanced by learned counsel for the petitioner.

Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.S.J.-XV, Gaya, in connection with Dumariya P.S. Case No. 01 of 2013, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the



petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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