

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27728 of 2023

Arising Out of PS. Case No.-123 Year-2017 Thana- MANER District- Patna

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YOGENDRA RAI Son of Late Vanarshi Rai R/v- Haldi Chhapra, Saat-Aanna,
P.S.- Maner, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Adv.
For the Opposite Party/s : Mr. Umeshanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Sessions
Trial No. 481 of 2021 arising out of Maner P.S. Case No. 123 of
2017 registered for the offence under Sections 302 and 34 of the
Indian Penal Code.

The informant alleged that the petitioner after forming
association inflicted knife blow to the son of the informant
causing his death and set fire in his Jhopari.

Earlier the prayer for bail of this petitioner had been
rejected vide order dated 09.03.2022 passed in Cr. Misc. No.
36749 of 2021 with a direction to learned court below to
expedite the trial.

Learned counsel appearing for the petitioner submits



that the petitioner is innocent and has falsely been implicated in this case. He further submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioner has not committed any offence. He further submits that the trial has not yet been begun and the petitioner is rotting in judicial custody since 18.01.2021.

A report with regard to present stage of the trial has been called for by this Court vide order dated 26.04.2023 which has been received and forms part of this application at Flag-A dated 06.05.2023. On perusal thereof, it would reveal that the record is pending for the appearance of two accused, namely, Santosh Kumar and Ajay Ray and summons have been issued for appearance of the accused and chareg has not yet been framed.

Learned counsel appearing for the petitioner referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future and the petitioner is languishing in judicial custody since 18.01.2021 i.e more than two years.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of



learned Additional Sessions Judge-III, Danapur in connection with Sessions Trial No. 481 of 2021 arising out of Maner P.S. Case No. 123 of 2017 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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