

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24669 of 2023

Arising Out of PS. Case No.-10 Year-2021 Thana- DHAMDAHA District- Purnia

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RANJIT KUMAR YADAV Son of Shambhu Yadav R/V- Damgarh PS-
Dhamdaha Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alka Verma

For the Opposite Party/s : Mr.Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

7 08-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Session Trial No. 199 of 2021 arising out of Dhamdaha P.S.
Case No. 10 of 2021 registered for the offences punishable
under Sections 364/34 of the Indian Penal Code and later on
Section 302 of the Indian Penal code was added.

3. As per prosecution case, accusation against the
petitioner is that he came to the house of the informant by
motorcycle and took away the informant's son namely Ajeet
Kumar (deceased) to Ramotar Chauk, Damgaraha where co-
accused persons were waiting. It is further alleged that they
kidnapped the informant's son.

4. Learned counsel for the petitioner submits that



petitioner is languishing in custody since 20.01.2021 which is near about two years and eleven months and bears no criminal antecedent. He further submits that the bail prayer of the present petitioner has already been rejected by this Court vide Cr. Misc. No. 42157 of 2021 on 19.09.2022 with an observation that if there is no substantial progress in the proceedings of trial within the stipulated period of six months, the petitioner may renew his prayer for bail. He further submits that despite the report regarding present stage of trial has been asked for thrice by this Court, the examination of doctor is still pending. Learned counsel for the petitioner submits that the trial is not likely to be disposed of in near future. He further submits that though there is specific direction of this Court, the learned trial court has submitted its report and sought only time which indicates that the trial is going at slow pace. He further submits that the delay of trial is not attributable to the present petitioner as he is in custody since 20.01.2021.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner but conceded to the submission of the learned counsel for the petitioner that this court while rejecting the prayer for bail of the petitioner observed that if the trial is not concluded preferably within six months, the



petitioner may renew his prayer for bail.

6. A report regarding stage of trial has been sought by this Court vide order dated 12.04.2023, 15.09.2023 and 10.11.2023 and in pursuance of the said directions, the report of the trial court reveals that the trial of the present case is still pending at the stage of examination of prosecution witness.

7. Considering the facts and circumstances of the case, period of custody undergone by the petitioner which is near about two years and eleven months, trial is not going to be concluded in near future and delay of trial is not attributable to the petitioner, argument advanced on behalf of the both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge – II, Purnea in connection with Session Trial No. 199 of 2021 arising out of Dhamdaha P.S. Case No. 10 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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