

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27110 of 2023

Arising Out of PS. Case No.-190 Year-2013 Thana- MINAPUR District- Muzaffarpur

RAJESH KUMAR YADAV SON OF RAMEAKBAL RAI @ RAM
YEKBAL YADAV RESIDENT OF VILLAGE- KATHA, PS- MEHSHI,
DISTT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 17-05-2023

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Sessions Trial no. 577 of 2017, arising out of Minapur P.S. Case no. 190 of 2013, registered under sections 363, 365 and 379 of the Indian Penal Code .

3. As per the prosecution case, four accused persons on two motorcycles are stated to have robbed the informant on the point of a pistol of his belongings as described in the FIR.

4. The earlier application for bail of the petitioner was rejected vide order dated 24.3.2022 (Annexure-1) passed in Cr. Misc. no. 50345 of 2021.

5. Learned counsel for the petitioner submits that FIR was registered against four unknown and the name of the



petitioner transpired in course of investigation in the confessional statement of co-accused. He is in custody since 2.12.2020 and undertakes to cooperate in the trial.

6. The application for bail is opposed by learned APP for the State who submits that this is an FIR of the year 2013 and the petitioner had escaped from the Court *Hazat* and as a result his trial has been split.

7. A report was called for from the learned trial Court. As per the report received contained in letter dated 9.5.2023 of the 2nd Addl. Sessions Judge, Muzaffarpur it transpires that the trial has commenced and two witnesses have been examined on behalf of the prosecution. Five witnesses are yet to be examined.

8. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner, the petitioner having remained in custody for 2 years 5 months since 2.12.2020 and five witnesses on behalf of the prosecution still remaining to be examined in course of trial, the petitioner is directed to be enlarged on bail in connection with Sessions Trial no. 577 of 2017, arising out of Minapur P.S. Case no. 190 of 2013, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge 8th, Muzaffarpur



on the following conditions:-

(I) One of the bailors of the petitioner shall be the father of the petitioner.

(II) The petitioner shall remain properly represented on each date of the trial and shall cooperate in the trial.

(III) In case the learned trial court is of the opinion that the trial is being delayed due to non cooperation on part of the petitioner, the learned trial court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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