

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27946 of 2022

Arising Out of PS. Case No.-229 Year-1994 Thana- BAKHTIYARPUR District- Patna

Kamlesh Yadav, Son of Late Lala Yadav, R/O- Vill- Telmat, P.S.- Harnaut,
Dist.- Nalanda Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Dr. Anjani Pd. Singh, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

8 17-05-2023 Heard learned counsel for the petitioner and Mr. Fahimuddin, learned APP for the State.

The petitioner in the present case has renewed his prayer for regular bail in connection with Bakhtiyarpur P.S. Case No. 229 of 1994 registered for the offences under Section 396 of the Indian Penal Code. He has no criminal antecedent and has remained in custody since 03.02.2020.

Earlier his prayer for regular bail was rejected by this Court vide order dated 12.07.2021 passed in Cr. Misc. No. 37181 of 2020.

Learned counsel for the petitioner submits that in this case, the petitioner has been taken into custody on 05.02.2020, despite the direction of this Court to expedite the trial, no witness has been examined so far.

This Court had called for a report from the learned court below but no report has been received. A supplementary affidavit has been filed on behalf of the petitioner stating that the learned trial



court has now issued production warrant to the witnesses. Learned counsel has submitted that till as on today, no witness has turned up.

Learned APP for the State has though opposed the prayer for bail of the petitioner, considering that he is in custody for about 3 years 3 months and during this period not a single prosecution witness has turned up, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 3rd, Barh in connection with Bakhtiyarpur P.S. Case No. 229 of 1994, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

This application is allowed.

(Rajeev Ranjan Prasad, J)

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