

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40540 of 2022**

Arising Out of PS. Case No.-133 Year-2020 Thana- ASANWA District- Siwan

SUNIL YADAV @ SUNIL KUMAR YADAV S/o Raj Kishore Yadav R/o
village- Bikaur, P.S.- Assaon, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Adv.
For the Opposite Party/s : Mr. A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 30-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

At the outset, perused the explanation received from
the learned 7th Additional District and Sessions Judge, Siwan in
compliance of the order dated 30.11.2022 and the same is
accepted.

The petitioner seeks bail in connection with Sessions
Trial No. 203 of 2021 arising out of Assaon P.S. Case No. 133 of
2020 registered for the offence under Sections 302, 201/34 of
the Indian Penal Code.

The cousin Bhabhi of the petitioner is alleged to have
been killed by the unknown.

Earlier the prayer for bail of this petitioner has been
rejected vide order dated 16.02.2022 passed in Cr. Misc. No.



26046 of 2021 by a co-ordinate Bench of this Court with a direction to the learned trial Court to dispose of the trial expeditiously in the light of the mandate of Section 309 of the Cr.P.C. and to decide it within a period of three months from the date of the order. Now again the petitioner has approached this Court on the ground that despite the order of this Court, trial of the petitioner could not be completed.

A report with regard to present stage of the trial has been called for by this Court vide order dated 30.11.2022 which has been received and forms part of this application at Flag-6p. On perusal thereof, it would reveal that the record is pending for examination of the accused/petitioner under Section 313 of the Cr.P.C.

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 23.11.2020 i.e more than two and half years.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Additional District and Sessions Judge-7th, Siwan in connection with Sessions Trial No. 203 of 2021 arising out of Assaon P.S. Case No. 133 of 2020



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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