

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46179 of 2022

Arising Out of PS. Case No.-237 Year-2020 Thana- KAUWAKOL District- Nawada

Adhik Yadav Son Of Chunarik Yadav R/O Mohalla- Eslam Nagar, P.S.-
Chandrdip, Dist.- Jamui

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Umesh Prasad, Advocate

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 21-06-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

By filing this present application, the petitioner has renewed his prayer for regular bail in connection with S. Tr. No. 29 of 2021 arising out of Kauwakol P.S. Case No. 237 of 2020 for the offences registered under Sections 399, 402 I.P.C. and 25 (1-b)a/26/35 of the Arms Act. The petitioner has got five criminal antecedents.

Earlier his prayer was rejected vide order dated 12.01.2022 passed in Cr. Misc. No. 67248 of 2021 with an observation that if the trial remains un-concluded within six months for no reason attributable to the petitioner, he may renew his prayer for bail.

Learned counsel for the petitioner submits that the petitioner is in custody since 26.08.2020 and there is no fault on his part in allowing conclusion of the trial.



This application has been opposed by learned APP for the State as according to him, the report received from the learned trial court kept at Flag 'R' would suggest that on the date fixed for evidence, one accused Raku @ Rakesh Yadav was absent due to which his bail bond had been cancelled and non-bailable warrant has been issued against him for appearance and thereafter, process under Section 82 Cr.P.C. has been issued on 27.03.2023. On 13.04.2023 the trial of the absent accused Raku @ Rakesh Yadav has been separated from the original case record.

Learned counsel submits that in the aforesaid circumstance, the prosecution witnesses could not be examined and the trial court has informed that if both the parties actively participate in the trial then this case can be disposed of within four months.

Having regard to the aforementioned submissions and the materials by way of report by the learned trial court, this Court is not inclined to release the petitioner on bail at this stage but on failure of the prosecution to produce the remaining witnesses within a period of four months on the dates fixed for the matter, the petitioner shall be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IX, Nawada in connection with S. Tr. No. 29 of 2021 arising out of Kauwakol P.S. Case No. 237 of 2020, 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 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.

The trial court is expected to conclude the trial within the period mentioned in its report from the date of communication of this order.

Let a copy of this order be communicated to the Superintendent of Police, Nawada and the Prosecution Officer for ensuring attendance of the witnesses on the dates fixed in the matter. The trial court shall keep the records on shorter dates so that all the prosecution witnesses may be examined within the aforesaid period of four months.

This application stands disposed of.

(Rajeev Ranjan Prasad, J)

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