

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47755 of 2023

Arising Out of PS. Case No.-553 Year-2021 Thana- SAHARSA SADAR District- Saharsa

Subhash Yadav, Son Of Late Nand Prasad Yadav @ Chandeshwari Yadav,
Resident Of Village Madhuban Ward No 16 Ps Simri Bakhtiyarpur District
Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Saharsa Sadar P.S. Case No. 553 of 2021 registered for the alleged offences under Section 394 of the Indian Penal Code.

3. As per prosecution case, on the basis of written report of the informant about robbery of Rs. 8,93,170 from the driver of the informant. The case was registered against unknown miscreants. During investigation, the name of the petitioner transpired as one of the accused persons who are involved in a conspiracy with the driver of the vehicle and others and tried to pass the matter as robbery.

4. The learned counsel for the petitioner submits that



this is the second attempt of the petitioner to seek bail from this Court as his prayer for bail was earlier rejected by this Court vide order dated 16.09.2022 passed in Cr. Misc. No. 19870 of 2022 with a direction to the learned trial court to expedite the trial and conclude the same within a period of nine months and the petitioner was given liberty to renew his prayer for bail, if the trial is not concluded within the aforesaid period. Learned counsel further submits that till date only three prosecution witnesses have been examined including the informant. There appears no likelihood of conclusion of trial in near future. Learned counsel further submits that the money recovered from the petitioner was never put to any Test Identification Parade and two of the prosecution witnesses have turned hostile. Petitioner is in custody since 13.07.2021 and is a poor person.

5. Learned APP opposes the prayer for bail submitting that no new ground has been brought on record for reconsideration of the prayer for bail of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that despite specific direction to the learned trial court, the trial is still continuing and there is no time frame for its conclusion since period of nine months has elapsed and further



considering the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa/court concerned in connection with Saharsa Sadar P.S. Case No. 553 of 2021, subject to the condition mentioned in Section 437(3) of the Cr.P.C. and other the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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