

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59390 of 2022

Arising Out of PS. Case No.-177 Year-2020 Thana- TEKARI District- Gaya

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BABUN YADAV @ DHARMENDRA KUMAR, S/O PARSHURAM
YADAV, Resident of village- Malshari, P.S.- Tekari and District- Gaya
(Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No2, Advocate
For the Opposite Party/s : Mr.Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 18-01-2023 Heard learned counsel for the petitioner and learned APP
for the State.

This Court would expect that the petitioner's counsel would
honour his undertaking in the instant proceedings regarding supply of
requisite court fee etc. within two weeks from the date he is called
upon to do so by the office.

Petitioner seeks bail in connection with Tekari (Panchanpur
O.P.) P.S. Case No. 177 of 2020 registered under Sections 341, 323,
307, 302, 120B and 34 of the Indian Penal Code and Section 27 of
the Arms Act.

The petitioner along with his brother has allegedly shot the
informant's father. It is stated that the killing is on account of dispute
between informant and his brother over the proceeds of retiral dues
of their father.



Learned counsel for the petitioner submits that specific allegation against the petitioner is of firing upon the informant, who has not sustained any injury. The petitioner's implication is on account of his antecedents in eight cases, in all of which he is on bail, as per disclosure made in para 3 of the bail petition. In the instant case he has been in custody since 01.07.2020.

Learned APP has opposed the prayer for bail.

The Court has earlier rejected the petitioner's prayer for bail twice. Once in *Cr. Misc. No. 39337 of 2020* on 16.03.2021. Thereafter, in *Cr. Misc. No. 8276 of 2022* on 02.03.2022. In view of this background, this Court requisitioned a report regarding stage of trial. The report is explicit and manifest of the fact that there is no progress in the trial whatsoever. Charge has been framed on 29.04.2022 and summon has been issued for production of charge-sheeted witnesses on 25.05.2022. Till 10.01.2023, i.e. the date of report, the prosecution has not produced a single witness.

Considering the aforesaid facts, having regard to the petitioner's period of custody, this Court is inclined to allow the petitioner's prayer for bail.

Prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge XV, Gaya, in Tekari



(Panchanpur O.P.) P.S. Case No. 177 of 2020, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

Sumit/shashank-

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