

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68057 of 2023

Arising Out of PS. Case No.-114 Year-2016 Thana- CHANAN District- Lakhisarai

PANKAJ YADAV son of Sri Kameshwar Yadav @ Kamo Yadav Village-
Lakhoachak Ps- Channan Dist- lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Raju

For the Opposite Party/s : Mr.Meena Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 24-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Channan P.S. Case No. 114 of 2016 registered for the offences punishable under Sections 304(B)/201/34 of the IPC.

3. As per prosecution case, it is alleged that petitioner and others concertedly committed the murder of informant's daughter for non-fulfillment of demand of dowry. It is further alleged that dead body of the deceased was thrown in well.

4. Learned counsel for the petitioner submits that the petitioner is in custody since 17.02.2022 which is more than 1 year and 9 months. Petitioner bears criminal antecedent of two cases in which he is on bail. It is further submitted that earlier bail of the present petitioner has been rejected vide Cr. Misc.



No. 37782/2022 vide order dated 18.01.2023 with an observation that learned trial court is directed to conclude the trial within six months from the date of receipt/production of the copy of this order to the concerned court. If the trial is not concluded within this stipulated period, petitioner may renew his prayer for bail. It is further submitted that he has filed the present bail petition after eight months from the date of rejection of his previous bail prayer. He further submits that the trial is going at slow pace as no witnesses has been examined till today and delay of trial is not attributable to the petitioner as he is in custody since 17.02.2022.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner but conceded to the submission of the learned counsel for the petitioner that this court while rejecting the prayer for bail of the petitioner observed that if the trial is not concluded preferably within six months, the petitioner may renew his prayer for bail.

A report regarding stage of trial has been sought by this Court and in pursuance of the said direction, the trial court vide letter no. 78/2023 has sent its report which reveals that out of five witnesses, no witness has been examined and at present the case is fixed framing of charge on 19.12.2023.



6. Considering the facts and circumstances of the case, period of custody undergone by the petitioner which is more than one year and eight months, trial is not concluded within the stipulated period of six months, delay of trial is not attributable to the petitioner, arguments advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge, Sheikhpura, in connection with Channan P.S. Case No. 114 of 2016 , subject to the following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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