

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68720 of 2022**

Arising Out of PS. Case No.-470 Year-2019 Thana- BALIYA District- Begusarai

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KRISHNA KUMAR @ KIRAN DEO YADAV @ KIRNA S/o Domi Prasad  
Yadav @ Domi Yadav R/o Village- Chharapatti, Ward no. 06, P.S.- Sahebpur  
kamal, Distt- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Viveka Nand Singh, Advocate

For the Opposite Party/s : Mr.Md. Matloob Rab, APP

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

5      19-04-2023                      Heard Mr. Vivek Nand Singh, learned Counsel for  
  
the petitioner and Mr. Md. Matloob Rab, learned Additional  
  
Public Prosecutor for the State.

The petitioner, who is in custody since 13.01.2020, has renewed his prayer for regular bail in connection with Ballia P.S. Case No. 470 of 2019, registered for the offences punishable under Sections 411, 120(B) of the Indian Penal Code as in the present application under the circumstances that no progress has taken place in conduct of the trial. None of the prosecution witnesses have been examined.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case. Learned counsel



next submits that petitioner has clean antecedent as stated in paragraph No.3 of the bail petition. He further submits that this Court has observed that if no substantial progress has taken place in conduct of the trial, the petitioner, if so advised, may renew his prayer for bail and the petitioner has been taken liberty to file the present bail application.

Learned A.P.P. informs this Court that prosecution witnesses are to be examined but the report of the learned Judicial Magistrate, Ist Class, Begusarai gives information that none of the prosecution witness has been examined till date. The FIR was lodged on 20.12.2019 and charge has already been framed much earlier.

Considering the fact that petitioner is in custody since 13.01.2020, FIR was on lodged 20.12.2019 and the fact that none of the prosecution witnesses has been examined, this Court finds that the petitioner cannot be allowed to remain in custody as under trial. For inaction of the State, the fundamental right as enshrined under Article 21 of the Constitution cannot be defeated. It appears the trial is at very initial stage, the petitioner is directed to 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 Judicial Magistrate,



Ist Class, Begusarai, in connection with Ballia P.S. Case No. 470 of 2019 with a following conditions :-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) If the statement made in paragraph No.3 of the present bail application with respect to the criminal antecedent of the petitioner is found to be incorrect, this order will automatically will lose its force.

**(Purnendu Singh, J)**

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