

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73923 of 2022

Arising Out of PS. Case No.-40 Year-2021 Thana- BASOPATTI District- Madhubani

Binod Yadav, Son of Nagendra Yadav @ Nageshwar Yadav R/V- Yogiya, P.S-
Ladaniya, Dist- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

This is the second attempt of the petitioner to obtain his regular bail in connection with Basopatti P.S. Case No. 40 of 2021 registered for the offences punishable under Section 392 of the Indian Penal Code. He has remained in custody since 15.02.2021. He has got two criminal antecedents and in both the cases he is on bail.

Learned counsel for the petitioner submits that earlier while rejecting the prayer for bail of the petitioner vide order dated 02.03.2022 in Cr. Misc. No. 49003 of 2021, this Court had observed that if the trial remains unconcluded for no reason attributable to the petitioner within nine months, the petitioner may renew his prayer for bail.

Learned counsel for the petitioner submits that till



date charge has not been framed.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case, considering that the petitioner has already remained in judicial custody since 15.02.2021 and despite the previous observation of this Court directing the learned trial court to conclude the trial, it is stated that till date charge has not been framed, this Court directs that after framing of the charge the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Shree Gautam Kumar, Judicial Magistrate, 1st Class, District-Madhubani in connection with Basopatti P.S. Case No. 40 of 2021, 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 steps 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.

Learned trial court shall ensure that the charge is framed within a period of one month from the date of receipt/production of a copy of this order. If it is pending for appearance of other accused, the records of the petitioner shall be separated.

This application stands disposed of.

(Rajeev Ranjan Prasad, J)

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