

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73850 of 2022

Arising Out of PS. Case No.-177 Year-2021 Thana- UDAKISHUNGANJ District-
Madhepura

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Hari Om Sharan Yadav, Son of Late Jay Jay Ram Yadav R/O Village-
Chharrapatti, P.S.- Udakishunganj, District- Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

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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 Udakishunganj P.S. Case No. 177 of 2021 registered for the offences punishable under Section 25(1-b)a/26 of the Arms Act. He has remained in custody since 20.06.2021. He has got six criminal antecedents and in all 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 19.05.2022 in Cr. Misc. No. 72140 of 2021, this Court had observed that if the trial remains unconcluded for no reason attributable to the petitioner within six months, the petitioner may renew his prayer for bail.



Learned counsel for the petitioner submits that the trial has yet not been concluded.

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

Having regard to the facts and circumstances of the case wherein it is stated that the petitioner is on bail in all the six cases which are pending against him and in connection with the present case, he has remained in custody since 20.06.2021 but the trial has yet not been concluded for no reason attributable to him, there being no contention on behalf of the State that the release of the petitioner is likely to result in tampering with the evidence or interfering with the course of trial, this Court directs that 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 A.C.J.M.-I, Udakishunganj, District-Madhepura in connection with Udakishunganj P.S. Case No. 177 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

Subject to further condition that after his release, the petitioner shall be present on each and every date fixed in course of trial and two consecutive defaults in putting



appearance shall lead to cancellation of his bail bond by the learned court below and the consequential action shall be taken.

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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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