

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77450 of 2023

Arising Out of PS. Case No.-101 Year-2020 Thana- CHAUSA District- Madhepura

Kare Yadav @ Vyas Kumar Yadav @ Kare Yadav @ Vyas Yadav, Son of
Laddu Yadav @ Karsur Yadav, R/o Vill - Fulaut East, P.S. - Chausa, Dist. -
Madhepura Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 08-12-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Chausa P.S. Case No. 101 of 2020 dated 23.04.2020 registered
for the offences punishable under Sections 147, 148, 149, 341,
323, 324, 342, 307, 504 and 506 of the Indian Penal Code and
Section 27 of the Arms Act.

3. This is second attempt of the petitioner for the
relief of regular bail after his earlier bail prayer was rejected by
this Bench vide order dated 13.03.2023 passed in Cr. Misc. No.
61766/2022 preferred by this petitioner.

4. The fresh grounds taken by the petitioner for the
relief of regular bail in his second attempt are that in the earlier
rejection order, this Court has observed that “The petitioner may



renew his bail prayer after examination of the injured person named in the FIR in the trial of the petitioner if the charges have been framed upon the petitioner, the petitioner will also have a liberty to renew his bail prayer after six months, if during the said period the injured person is not examined as a prosecution witness or no significant progress is made in his trial.” and accordingly in the light of the said liberty, he has come again before this Court for the relief of regular bail as no progress has been made in his trial and even his trial has not started, so there is no question of examination of any prosecution witness and the petitioner has been languishing in jail since 08.07.2022. Further submissions are that similarly situated co-accused persons namely Vinod Yadav, Abhay Yadav and Nirbhay Yadav @ Aman Kumar have been granted anticipatory bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 3642 of 2021 and the allegation against this petitioner is general and omnibus.

5. Learned APP appearing for the State has opposed the bail prayer.

6. Considering the above submissions and mainly taking into account the petitioner’s custody period and the facts that the petitioner’s trial has not started till date as appears from the ordersheets filed by the petitioner along with this petition



and similarly situated co-accused persons mentioned-above are on bail, in my opinion in the present circumstances, the petitioner now deserves to a lenient approach of this Court. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Chausa P.S. Case No. 101 of 2020.

7. When an accused is in judicial custody and his prayer for bail has been rejected upto this Court and while rejecting his first prayer for bail, he has been given a liberty to renew his bail prayer after some certain period if any progress is not made in his trial then in such a situation, the trial court should take serious steps to complete the trial of such accused at the earliest, if the case of such accused has not been committed then the concerned Magistrate or court should take immediate step(s) to commit the case of the accused after splitting his case from other accused who are not appearing despite much efforts but in the present matter despite the prayer for bail of the petitioner having been rejected by this Court on 13.03.2023 the case of the petitioner has not been committed till date despite passing of several dates which shows some negligence on the part of the concerned Magistrate or court. Considering this aspect, **let a report be called for from the District and**



Sessions Judge, Madhepura to show the reason of non-commitment of the petitioner’s case and also the step(s), if any taken by the concerned court for commitment of his case.

8. Let the matter be listed after four weeks after receipt of the said report.

(Shailendra Singh, J)

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