

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80970 of 2023

Arising Out of PS. Case No.-146 Year-2020 Thana- JAGDISHPUR District- Bhagalpur

FOTO YADAV Son of Late Suresh Yadav R/o vill - Satjori, P.S. - Goradih,
Distt. - Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal, Advocate.

For the Opposite Party/s: Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 22-12-2023 Heard learned counsel for the petitioner and

learned APP for the State.

2. In this case, the petitioner seeks bail in connection with Sessions Case No. 483 of 2021 arising out of Jagdishpur (Goradih) P.S. Case No. 146 of 2020, registered on 9.5.2020 for the alleged offences under Sections 147, 148, 149, 302 and 120-B of the Indian Penal Code.

3. The prosecution case is that the petitioner and other accused persons assaulted the father of the informant in the background of land dispute and he succumbed to the injuries.

4. Learned counsel for the petitioner submits that this is the second attempt of the petitioner seeking bail



as earlier the prayer for bail of the petitioner was rejected vide order dated 25.7.2022 passed by this Court in Cr. Misc. 59201 of 2021. While rejecting the prayer for bail of the petitioner, this Court directed the learned trial court to conclude the trial expeditiously and preferably within a period of nine months and also granted liberty to the petitioner to renew his prayer for bail in case the trial was not concluded within the aforesaid period. Learned counsel further submits that not a single witness has been examined in this case and the petitioner is in custody since 16.1.2021. He next submits that other co-accused persons, against whom there are specific allegations, have been granted regular bail as well as anticipatory bail by different Benches of this Court vide orders dated 1.9.2023, 14.7.2023 and 28.3.2023 passed in Cr. Misc. Nos. 52743 of 2023, 40959 of 2023 and 2590 of 2023 respectively whereas the allegation against the petitioner is for assaulting the victim on shoulder and also acting as an order giver. The whole occurrence took place in the background of land dispute. The injury attributed to this petitioner has not been found on the body of the deceased.



5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the fact that not a single witness has been examined in this case and further considering the delay in trial and no likelihood of its conclusion in near future and also considering the period of custody of the petitioner, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand only) with two sureties of the like amount each to the satisfaction of learned 16th Additional District and Sessions Judge, Bhagalpur, in connection with Sessions Case No. 483 of 2021 arising out of Jagdishpur (Goradih) P.S. Case No. 146 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.



(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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