

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12929 of 2024

Arising Out of PS. Case No.-83 Year-2013 Thana- GHOGHARDIHA District- Madhubani

Laxman Yadav Son of Late Chedi Yadav @ Chhedi Yadav R/o vill - Tengraha,
P.S. - Bheja, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 6 20-09-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. The petitioner seeks bail in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.
3. The Station House Officer, Ghoghardiha Police Station and the Investigating Officer of the case in compliance of the order dated 13.09.2024 are present in the Court.
4. The Station House Officer and the Investigating Officer submitted that they did not have any information regarding the case as such could not appear in the trial. The Investigating Officer submits that he will ensure that all the remaining witnesses are examined expeditiously and will also make endeavours to bring the remaining witnesses.
5. Learned counsel for the petitioner submits that petitioner is in custody since 06.09.2013 and altogether there are 16



charge-sheet witnesses out of which nine witnesses have been examined, still seven witnesses remained to be examined which includes the Investigating Officer and the Doctor. It is further submitted that the case was instituted under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act and petitioner has antecedent of ten criminal cases. It is next submitted that petitioner was not named in the FIR and his name transpired during the investigation but then it is submitted that petitioner has remained in judicial custody for nearly eleven years but still the official witnesses also till date have not been examined. It is also submitted that petitioner be enlarged on regular bail.

6. Mr. Rabindra Kumar learned A.P.P. submits that no doubt, seven witnesses still remained to be examined but then petitioner has antecedent of ten cases and it may be a possibility if petitioner is given the privilege of regular bail he may abscond on which learned counsel for the petitioner submits that petitioner will not abscond rather will cooperate in the trial to prove his innocence.

7. Considering the aforesaid submissions and the fact that petitioner has remained in custody for more than eleven years, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with S.T. No. 142 of 2016 arising out of Ghoghardiha P.S. Case No. 83 of



2013.

8. One of the bailors of the petitioner shall be his brother-in-law, namely, Tuntun Yadav.

9. However, if the learned trial court comes to a conclusion that petitioner, after his release on bail, is trying to delay the trial of the case in any manner, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

10. The Superintendent of Police, Madhubani is directed to ensure that all the witnesses in the case are produced before the learned trial court expeditiously failing which the learned trial court shall be at liberty to seek an explanation from the Superintendent of Police, Madhubani and the Investigating Officer of the case.

11. Let a copy of this order be sent to the Superintendent of Police, Madhubani.

12. The personal appearance of the Station House Officer, Ghoghardiha Police Station and the Investigating Officer of the case is dispensed with.

(Satyavrat Verma, J)

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