

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12905 of 2024

Arising Out of PS. Case No.-162 Year-2021 Thana- GOPALPUR District- Bhagalpur

Dhananjay Yadav, Son of Gopi Yadav, R/O Village- Bhawanipur, P.S.- Rangra
O.P., District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate
		Mr. Ashok Kumar Yadav, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 17-05-2024 Heard Mr. Ramakant Sharma, learned Senior
Advocate for the petitioner and learned APP for the State.

2. The petitioner seeks regular bail in connection with Gopalpur (Rangra) P.S. Case No. 162 of 2021 registered for the offences punishable under Sections 147, 148, 149, 302, 379 of the Indian Penal Code and Section 27 of the Arms Act.

3. This is the third attempt made on behalf of the petitioner for grant of bail, as earlier twice the prayer for bail of the petitioner stand rejected by this Court vide order dated 19.05.2022 passed in Cr. Misc. No. 55650 of 2021 and further vide order dated 19.07.2023 passed in Cr. Misc. No. 29168 of



2023.

4. Earlier while rejecting the prayer for bail of the petitioner, this Court has taken into account the specific allegation of causing fatal injury to the deceased, which has also been corroborated by the medical evidence. However, on the last occasion, while rejecting the prayer for bail of the petitioner, taking into account the period of incarceration since 14.04.2021, the petitioner was granted liberty to renew his prayer for bail after six months, if there is no substantive progress in the trial. This Court had also observed that three witnesses, who were examined in the trial, claiming themselves to be eye witnesses, turned hostile.

5. Today, in course of argument, learned senior counsel also informed this Court that now the informant has also been examined and though he supported the prosecution case, but certain contradiction. The certified copy of the deposition of the informant has been taken on record.

6. Learned senior counsel thus submitted that since the prayer for bail of the petitioner has already been refused on merit and, as such, he is not making any submission with regard to the merit of the case, but considering the fact that the petitioner has been incarcerated for over a period of three years



and the informant has already been examined, there is no chance of tampering of the evidence or gaining over the witnesses. Besides the aforesaid facts, three witnesses, who were present at the place of occurrence, admittedly, they have turned hostile, this was also the submission of the learned senior counsel for the petitioner. He next submitted that the petitioner undertakes that he will remain present in the proceedings on each and every date and will not leave the Bhagalpur District without prior permission of the Court or the Superintendent of the Police, till conclusion of the trial.

7. On the other hand, learned counsel for the State opposes the prayer for bail and submits that there is specific allegation of causing firing, leading to death of the deceased. The aforesaid allegation has also been supported by the informant in his deposition and moreover the trial is going on which is likely to be concluded in a short span of time.

8. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has been incarcerated for over a period of three years and the status report submitted by the trial Court suggests that till date out of eight charge-sheet witnesses, only four witnesses have been examined. That apart, on the last occasion, this Court



observed that the trial court will take all the endeavour to conclude the trial expeditiously, but the same could not be done. This Court also finds that the informant and other eye witnesses have already been examined by the trial court. Thus the crucial witnesses have since been examined and there is no likelihood of conclusion of trial in near future, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial magistrate-III, Naugachia, Bhagalpur in connection with Gopalpur (Rangra) P.S. Case No. 162 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case and will not leave Bhagalpur district without any prior permission of the trial court.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will liable to be cancelled.

(v) In the event of any party indulging in any unlawful activity, the State shall be at liberty to seek cancellation of bail.

(Harish Kumar, J)

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