

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18151 of 2024

Arising Out of PS. Case No.-3 Year-2022 Thana- PHULWARIYA District- Gopalganj

Anand Kumar Yadav S/o Ajit Yadav R/o Vill - Kishundeo Chapar, P.S. -
Phulwariya, Dist. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avnish Kumar Singh, Advocate
For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 08-07-2024 Heard learned counsel for the Petitioner and
learned APP for the State.

2. Petitioner seeks regular bail in connection with Sessions Trial Case No. 419 of 2023, arising out of Phulwariya P.S. Case No. 03 of 2022 dated 03.01.2022 registered for the offences punishable under Sections 341, 323, 324, 307 and 302 read with Section 34 of the Indian Penal Code.

3. Mr. Avnish Kumar Singh, learned counsel appearing for the petitioner submits that the petitioner earlier approached this Court for the relief of regular bail by filing Cr. Misc. No. 55378 of 2022 which was rejected by this Bench vide order dated 28.04.2023 and now the petitioner has again come before this Court for the same relief mainly on the ground of his custody period which has been about twenty two months and the trial of the petitioner has started and the second ground is no



progress in his trial despite the charge having been framed upon the petitioner on 18.07.2023. It is further submitted that petitioner is a young person and both the sides are co-sharers and a construction work is said to be the genesis of the occurrence and the FIR goes to show that the alleged occurrence was not pre-planned and in actual, a free fight took place in between both the parties and from petitioner's side three persons including the petitioner sustained injuries in that occurrence.

4. Mr. Raj Kishor Singh, learned APP appearing for the State has opposed the prayer for bail of the petitioner.

5. Heard both the sides and perused the materials available before this Court. Though, there is serious allegation against this petitioner but considering his young age and his custody period which has been about twenty two months and also, the lingering attitude of the prosecution in producing and examining the prosecution witnesses as according to the statement made in the paragraph '14' of the petition, no prosecution witness has been produced and examined after 18.07.2023, in my opinion, in the said circumstances, the petitioner now deserves to the privilege of bail. 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 concerned Court
in connection with Sessions Trial Case No. 419 of 2023, arising
out of Phulwariya P.S. Case No. 03 of 2022.

(Shailendra Singh, J)

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