

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44752 of 2024

Arising Out of PS. Case No.-404 Year-2019 Thana- ALOULI District- Khagaria

Raj Kumar Yadav @ Kari Yadav S/o Pramod Yadav R/o vill - Hathwan, P.S. -
Alauli, Distt. - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vivekanand Singh, Advocate
For the Informant	:	Mr. Rahul Singh, Advocate
For the Opposite Party/s	:	Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 20-07-2024 1. Heard learned counsel for the petitioner, learned counsel for the informant and the learned APP for the State.
2. Petitioner seeks regular bail in connection with Sessions Trial Case No. 433 of 2022 arising out of Alauli P.S. Case No. 404 of 2019 dated 21.11.2019 registered for the offence punishable under Sections 302, 447, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.
3. Mr. Vivekanand Singh, learned counsel for the petitioner submits that the petitioner earlier preferred Cr. Misc. No. 52456 of 2022 for the relief of regular bail which was rejected by this court vide order dated 16.03.2023 but the trial court was directed to expedite the trial of the petitioner and conclude the same in the next one year and in the light of the



said liberty the petitioner has again come before this court. Learned counsel further submits that the charges were framed upon the petitioner on 25.04.2023 and thereafter only two prosecution witnesses were produced and examined and in this regard the relevant ordersheets of the trial court have been annexed to this petition and there are 15 chargesheet prosecution witnesses and the prosecution is very slow in producing the witnesses. It is further submitted that the petitioner has been languishing in jail since 16.04.2021 and a land dispute is said to be the genesis of the occurrence.

4. Mr. Rahul Singh, learned counsel for the informant has vehemently opposed the prayer of the petitioner and submitted that there is a serious and specific allegation levelled against the petitioner in the FIR which gets corroboration from the postmortem report of the deceased.

5. Mr. Surendra Prasad Singh, learned APP appearing for the State has also opposed the bail prayer of the petitioner.

6. Having regard to the above submissions and mainly considering the petitioner's custody period which has been more than three years and the prosecution is very slow in producing and examining the prosecution witnesses despite an opportunity to produce the witnesses expeditely before the trial court having



been given by this court and also coupled with the fair and clean antecedent of the petitioner this court is now inclined to release the petitioner on bail. Accordingly, let the petitioner named- above be released 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. 433 of 2022 arising out of Alauli P.S. Case No. 404 of 2019.

(Shailendra Singh, J)

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