

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48775 of 2024

Arising Out of PS. Case No.-467 Year-2020 Thana- KHAIRA District- Jamui

=====

Budhka Yadav @ Sharad Yadav @ Chotu Yadav S/o Shukdeo Yadav R/o
Village- Darima, P.S. - Khaira, Distt. - Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Adv.
	:	Mr. Akash Raj, Adv.
	:	Mr. Arun Bharti, Adv.
	:	Mr. Rahul Kumar, Adv.
For the Opposite Party/s :	:	Mr. Ram Naresh Ray, APP

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 27-09-2024 Heard Learned Senior Counsel Mr. Y.C. Verma for
the petitioner and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Khaira P.S. Case No.467 of 2020 S.Tr. No.274 of 2021 lodged
under Sections 147, 148, 149, 323, 376, 511, 379, 302 and 120B
of the I.P.C. read with Section 27 of the Arms Act.

3. Learned Senior Counsel for the petitioner submits
that the petitioner has been granted bail vide order dated
15.01.2021 then he had started appearing through his counsel,
but unfortunately, his bail bond was cancelled on 07.01.2023.

4. Learned Senior Counsel for the petitioner submits
that the petitioner has not opted to take remedy against the



cancellation of bail bond instead thereof, he surrendered before the Court and prayed for bail. He submits that the petitioner has surrendered himself on 30.01.2024 and since then, he is in custody.

5. Learned Senior Counsel further submits that the petitioner undertakes before this Hon'ble Court that he shall appear physically on each and every date so that there must not be delay in the trial.

6. Learned counsel for the State opposes the prayer for bail and submits that due to conduct of the petitioner, there was delay in the trial. He further submits that progress report has been called for.

7. From the report, it transpires that out of 14 prosecution witnesses, 5 prosecution witnesses has been examined and two prosecution witnesses have not been cross-examined and accused persons of this case have attacked upon them by firing.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-I, Jamui, in



connection with Khaira P.S. Case No.467 of 2020 S.Tr. No.274 of 2021 , subject to the following conditions as laid down under Section 437(3) of Cr.P.C with condition that the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself.

9. It is made clear that the petitioner shall be released on bail only after cross-examination of PW2 and PW3 and if any attack shall be made upon them then, the bail granted to the petitioner shall not be effective.

10. With the aforesaid direction, the present bail application is hereby allowed.

(Dr. Anshuman, J.)

Prakashmani/-

U		T	
---	--	---	--

