

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54843 of 2024

Arising Out of PS. Case No.-34 Year-2021 Thana- KHAIRA District- Jamui

Rahul Yadav @ Rahul Kumar Son of Chintaman Yadav @ Sitaman yadav
R/O Vill.- Manjhiyani, P.s.- Khaira, Dist.- Jamui, Bihar

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 02-08-2024 Heard learned counsel for the petitioner and learned
APP for the state.

2. The instance application for regular bail has been filed by the petitioner in connection with Khaira P.S. Case No. 34 of 2021 instituted for the offence u/s 147, 148, 149, 324, 307 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. Earlier the application for regular bail of the petitioner was rejected vide order dated 24.02.2023 passed in Cr. Misc. No. 58474 of 2022 with a direction to trial Court to conclude the trial as soon as possible. Again, the petitioner renewed his prayer for bail which was rejected by this Court vide order dated 03.04.2024 in Cr. Misc. No. 4010 of 2024 on the basis of trial Court report dated 29.01.2024 by which it



appears that the trial would be concluded in three months for which direction was given to trial Court to conclude the trial within the stipulated period of time(i.e., three months) failing which the petitioner would be at liberty to renew his prayer of bail.

4. It is submitted by learned counsel for the petitioner that from para-13 of this petition, the charge has been framed on 12.04.2023 and out of six charge sheeted witnesses, till date only four have been examined in spite of twice directions of this Hon'ble Court, not even a single witness has turned up within five months as last witness P.W.-4 was examined on 07.02.2024 and after direction of this Hon'ble Court dated 03.04.2024, no witness have been examined which appears from the order sheet of learned Court below dated 18.06.2024. In support of this, Annexure-P/4 is annexed to this petition which is order sheet till 18.06.2024. Petitioner is in judicial custody since 20.06.2022 and it seems there is no hope to conclude the trial in near future.

5. From perusal of the order sheet of trial Court which has been annexed in this petition by which it appears that the case is pending for adducing the prosecution evidence.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as



custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Khaira P.S. Case No. 34 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IIInd, Jamui with following conditions:-

(i) Petitioner shall co-operate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii) If the petitioner tampers with the evidence or threatens the witnesses, in that case, the prosecution will be at liberty to move of cancellation of bail.

(iii) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bonds will be cancelled by the Court below.

(Sunil Kumar Panwar, J)

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