

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.65702 of 2024**

Arising Out of PS. Case No.-257 Year-2012 Thana- JOGAPATTI District- West Champaran

Hari Yadav S/o- Late Singhasan Yadav Village- Chaumukha P.S-Yogapatti  
District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Umesh Kumar Gupta, Advocate

For the Opposite Party/s : Mr.Mohammad Sufyan, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

4      06-12-2024                      The present petition is by way of second attempt at the behest of the petitioner for grant of regular bail in connection with Yogapatti P.S. Case No. 257 of 2012, registered for the offences punishable under Sections 302, 120B, 427, 379 and 504/34 of the Indian Penal Code, inasmuch as the earlier petition filed by the petitioner for grant of bail was rejected by an order dated 17.02.2021 passed in Criminal Misc. No. 16879 of 2020.

2.              The case of the prosecution, according to the informant, is that when she was returning with her two brothers on a motorcycle, after receiving medical aid, 12 accused persons including the petitioner surrounded them and started abusing/assaulting them, whereafter, six accused



persons including the petitioner herein had fired gun shots on the brother of the informant resulting in his death.

3. The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that the petitioner is languishing in custody since 20.12.2015 i.e. since about nine years and there is meagre progress in the on going trial. It is also submitted that some of the co-accused persons, who had fired on the deceased, have already been granted bail by coordinate Benches of this Court, vide order dated 02.01.2019 passed in Criminal Misc. No. 55723 of 2018 and order dated 24.01.2022 passed in Criminal Misc. No. 38643 of 2021. In fact some other co-accused persons have also been granted bail by co-ordinate Benches of this Court vide order dated 22.03.2017 passed in Criminal Misc. No. 11850 of 2017, order dated 30.08.2017 passed in Criminal Misc. No. 36985 of 2017, order dated 12.10.2017 passed in Criminal Misc. No. 47743 of 2017 and order dated 21.11.2017



passed in Criminal Misc. No. 52419 of 2017. Lastly, the learned counsel for the petitioner has submitted that only on account of the fact that the petitioner is accused in 25 other criminal cases, the privilege of bail has been denied to the petitioner, however, considering the period of incarceration, a sympathetic view be taken and the petitioner be granted the privilege of bail.

4. *Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

5. This Court finds that a report has been sent by the learned Court of District & Additional Sessions Judge-XII, Bettiah, West Champaran dated 25.10.2024, wherein the stage of the trial of the aforesaid case in question has been mentioned and it appears from the same that out of 19 witnesses, only 10 witnesses have been examined till date.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, this Court finds that the petitioner has already suffered incarceration for



about nine years, apart from the fact that similarly situated co-accused persons have already been granted the privilege of bail and there is no likelihood of the on going trial being concluded in the near future, hence keeping the petitioner behind bars, any further would result in travesty of justice, hence this Court deems it fit and proper to admit the petitioner to the privilege of bail, however, subject to certain conditions and in case he is not wanted in connection with any other criminal case.

7. Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-XII, Bettiah, West Champaran in connection with Yogapatti P.S. Case No. 257 of 2012, S.Tr. No. 654 of 2018.

8. It is needless to state that the petitioner shall appear before the learned Trial Court in connection with Yogapatti P.S. Case No. 257 of 2012, S.Tr. No. 654 of 2018, on each and every date so fixed and in case of any default in appearing before the learned Trial Court, the present privilege of bail



being extended to the petitioner, shall be cancelled  
and the petitioner shall be liable to be taken into  
custody, forthwith.

**(Mohit Kumar Shah, J)**

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