

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72133 of 2023

Arising Out of PS. Case No.-268 Year-2021 Thana- BARHARA District- Bhojpur

Law Kush Yadav @ Lawkush Yadav S/O Late Ghanshyam Yadav R/O
Village-Saraiyan, P.S.- Krishnagarh (Barhara), Dist.- Bhojpur at Ara.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 12-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. It is submitted by learned counsel appearing on behalf of the petitioner that while rejecting the earlier prayer of bail of the petitioner through Cr. Misc. No. 15803 of 2022 dated 26.11.2022, the trial court was directed to conclude the trial within nine months.

3. It is pointed out that charge in this case was framed on 14th March, 2023 and since then not a single prosecution witness was examined and, certainly in want of trial, the petitioner cannot be kept behind the bar for an indefinite period by defeating his constitutional right as available under Article 21 of Constitution of India.

4. A report was also called for from the learned trial court regarding present stage of the trial, where it appears from



the report dated 23.11.2023, as sent by learned trial court, that not even a single witness out of five charge-sheeted witnesses was examined in this matter whereas next date of hearing was scheduled on 6th of December, 2023.

5. In view of aforesaid fact as not even a single charge-sheet witness was examined when charge in this matter has already framed on 14th of March, 2023 and petitioner is in custody since 07.07.2021 i.e. about more than 2½ years, accordingly, petitioner above named, is directed to be released on bail in connection with Sessions Trial No. 438 of 2022 arising out of Barhara P.S. Case No. 268 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 10th Additional District and Sessions Judge, Bhojpur at Ara, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions:-

(i) That petitioner shall not interact with informant during the trial in any manner or to influence any witness, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That petitioner shall not involve in the similar nature of offence till the conclusion of



trial, failing which, the State shall be at liberty to move before the trial court itself for the cancellation of bail bond of the petitioner.

(iii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iv) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J.)

Rajeev/-

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

