

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75229 of 2023

Arising Out of PS. Case No.-29 Year-2016 Thana- KORANSARAI District- Buxar

MANTU YADAV SON OF LATE TEGA YADAV RESIDENT OF VILLAGE
- BARUHA, P.S. - BAGEN GOLA, DISTRICT - BUXAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh, Adv.

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 12-01-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable u/s 302, 307, 326/34 of the IPC and section
27 of the Arms Act.

3. This is the 5th attempt of the petitioner for bail. Earlier, the
prayer for bail of this petitioner was rejected vide orders dated
10.11.2020, 29.09.2021, 10.08.2022 and 29.03.2023 passed in
Cr. Misc. No.25610 of 2020, Cr. Misc. No.48880 of 2021, Cr.
Misc. No.33302 of 2022 and Cr. Misc. No.1718 of 2023
respectively with direction to the trial Court to conclude the trial
expeditiously.

4. The petitioner has now filed this application for bail.

5. Vide order dated 10.11.2023, a report was called for,



regarding the stage of trial. In compliance thereof, a report sent by learned Additional District and Sessions Judge-Vth, Buxar dated 04.12.2023, is kept at flag 'A', whereby it is stated that out of ten witnesses, six witnesses have been examined and rest four witnesses including the I.O. and the Doctor has not been examined and bailable warrant has been issued against the independent prosecution witness and summons have been issued on the I.O. and the Doctor.

6. It is submitted by learned counsel for the petitioner that the petitioner is languishing in judicial custody since 12.03.2019 i.e. about five years and there is no likelihood of the trial to be concluded in the near future.

7. Considering the period of custody of the petitioner, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Koran Sarai P.S. Case No.29 of 2016, subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform



the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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