

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73996 of 2023

Arising Out of PS. Case No.-99 Year-2022 Thana- BAHADURPUR District- Darbhanga

Shyam Sunder Yadav @ Shyam Sundar Yadav, Son Of Sri Moti Lal Yadav @
Motilal Yadav @ Moti Yadav Resident Of Village- Basatpur, P.S.- Bahadurpur
(PATOR O.P.), District- Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No-13, Adv.
Mr. Rohit Kumar, Adv.
For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 05-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Bahadurpur (Pator O.P.) P.S. Case No. 99 of 2022, lodged on
15.03.2022 under Sections 302, 201, 120(B) of the Indian Penal
Code.

3. Learned counsel for the petitioner submits that the
bail application of the petitioner was rejected *vide* order dated
07.12.2022 passed in Cr. Misc. No. 40956 of 2022 with a
direction to the Trial Court to expedite the trial within 9 months,
and if, it shall not be completed within 9 months from
07.12.2022, the petitioner shall be at liberty to move again for
bail.



4. Learned counsel for the petitioner submits that the charge has been framed in this case on 27.03.2023 and more than 9 months have been lapsed. Counsel further submits that the petitioner is in custody since 16.03.2022. Counsel also submits that a report has been called for *vide* order no.2 dated 10.11.2023 in which it transpires that there were six witnesses who have been charge-sheeted as witness for prosecution, but none of the witnesses have been examined.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. 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 learned Additional Sessions Judge-XI, Darbhanga in connection with Bahadurpur (Pator O.P.) P.S. Case No. 99 of 2022, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) 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;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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