

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81567 of 2023

Arising Out of PS. Case No.-634 Year-2021 Thana- JAHANABAD District- Jehanabad

MANOJ KUMAR Son of Bali Yadav @ Ramvali Yadav R/o vill -
Lutphullachak, P.S. - Karauna O.P., Distt.- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Samir Kumar, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 12-01-2024 Heard Mr. Samir Kumar, learned counsel for the
petitioner and Mr. Ram Bilash Roy Raman, learned APP for the
State.

2. The petitioner is in judicial custody in connection
with Jehanabad (Karauna O.P.) P.S. Case No.634 of 2021 for the
offence under section 364/302/120(B), 201/34 of the Indian
Penal Code lodged on 08.10.2021 by the informant, Suryadev
Singh.

3. As per the prosecution story, the petitioner has
alleged that the accused persons including the petitioner herein
abducted his son and he apprehended that he may be killed.
Subsequently the police investigated the matter and after his
arrest the petitioner herein made confessional statement and as
submitted by learned counsel for the informant it was on his
confession statement that the dead body of the son of the
informant was recovered.



4. Earlier a report was called for on 15.12.2023 which has since been received vide letter no. 699 of 2023 dated 22.12.2023 and as per it, seven out of eight witnesses have been examined. However, there is no further detail on when was the last witness examined and why there has been delay in conclusion of the trial despite the fact that on 19.04.2023 while rejecting the prayer for bail, direction was given to conclude the trial within a period of six months.

5. Learned APP opposes the prayer for bail.

6. Taking into account the period of custody i.e. 09.10.2021 (as stated in paragraph 16 of the petition) as also the fact that despite specific order passed on earlier occasion, the trial could not be completed, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional District & Sessions Judge-II, Jehanabad, in connection with Jehanabad (Karauna O.P.) P.S. Case No. 634 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show



his/her 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 bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark his attendance;

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

(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 his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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