

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.800 of 2024

Arising Out of PS. Case No.-264 Year-2018 Thana- ALAMNAGAR District- Madhepura

Jai Prakash Yadav @ Jay Prakash Yadav Son of Late Lakhan Yadav Resident
of Village- Kunjori P.S. -Alamnagar District -Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr. advocate Mr. Surya Narain Yadav, Advocate Mr. Rajendra Pd. Yadav, Advocate Ms. Diksha Kumari, Advocate
For the Opposite Party/s :		Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 4 23-02-2024 1. Heard learned Senior counsel for the petitioner and learned APP for the State.
2. The petitioner has renewed his prayer for grant of regular bail in connection with Sessions Trial no.69 of 2019 (arising out of Alamnagar P.S. Case no.264 of 2018) registered under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.
3. As per the prosecution case, the petitioner is said to be the assailant of the grandson of the informant.
4. The earlier applications for bail of the petitioner was rejected vide orders dated 3.2.2020 passed in Cr. Misc. no.50633 of 2019, dated 27.9.2021 passed in Cr. Misc. no.16891



of 2021 and dated 10.5.2023 passed in Cr. Misc. no.7010 of 2023.

5. It is submitted by learned Senior counsel appearing for the petitioner that inspite of the petitioner having remained in custody since 31.12.2018, the prosecution is deliberately not concluding its evidence. No witness was examined on behalf of the prosecution in the year 2020 and only one witness each has been examined in the year 2021, 2022 and 2023. It has been more than one year since 17.1.2023 when the last witness was examined and the informant and the two Investigating Officers are yet to be examined. It is submitted that the petitioner undertakes to cooperate in the trial and to abide by the conditions which may be laid by this Court for his release on bail.

6. Heard learned A.P.P. for the State.

7. A report was called for from the learned trial Court. As per the report received, the last witness was examined on behalf of the prosecution on 17.1.2023 and the informant and the two Investigating Officers still remain to be examined.

8. Having heard learned counsel for the parties and in the facts and circumstances of the case specially the petitioner having remained in custody for more than 5 years since



31.12.2018, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no.69 of 2019 (arising out of Alamnagar P.S. Case no.264 of 2018) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J. III, Madhepura on the following conditions:

(i) one of the bailors of the petitioner shall be a close relative of the petitioner.

(ii) the petitioner shall remain physically present in Court on each date of the trial and shall cooperate in the trial.

In case of the petitioner's absence on any date for reasons not to the satisfaction of the learned trial Court or in case the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

9. In view of the report dated 29.1.2024 received from the learned trial Court (Additional Sessions Judge III, Madhepura) stating that besides the informant, two Investigating Officers are also yet to be examined, let the Superintendent of Police, Madhepura ensure the appearance of the two Investigating Officers in the case in the learned trial Court at the



earliest.

10. Let a copy of this order be communicated to the Superintendent of Police, Madhepura for its due compliance.

(Partha Sarthy, J)

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