

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10179 of 2024

Arising Out of PS. Case No.-84 Year-2022 Thana- SANDESH District- Bhojpur

Chandrashekhar Yadav Son of Hiralal Yadav Resident of Village-Deurar,
Police Station-Sandesh, District-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shantam Shivam, Adv

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

7 20-09-2024 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. Learned counsel appearing for the petitioner submitted that despite specific direction to conclude the trial within earliest possible time vide order dated 06.02.2023 in Cr. Misc. No. 51143 of 2022, where prayer for bail was rejected by one of the learned Co-ordinate Bench of this court, not even single witness was examined before trial court.

3. The petitioner is in custody since 24.04.2022 i.e., almost two and half years and in want of trial petitioner cannot be kept behind bars for indefinite period of time. It is



submitted that speedy justice is the fundamental right and any uncertainty *qua* conclusion of trial is only amounting to the violation of fundamental right of petitioner as available under Article 21 of the Constitution of India. In support of his submissions learned counsel relied upon the legal report of Hon'ble Supreme Court as held in the matter of **Javed Gulam Nabi Shaikh Vs. State of Maharashtra and Another**, reported in **2024 SCC OnLine SC 1693**.

4. Learned APP appearing on behalf of the State, while opposing the prayer for bail could not dispute the custody period and also progress of trial.

5. It also appears from the report as made available to this court from learned trial court through letter no. 17 of 2024, where not even single prosecution witness was examined in this case thereafter a report was also called for from Superintendent of Police, Bhojpur at Ara, which was made available to this court through letter no. 505 dated 19.09.2024 from where it appears that witness Sanjay Kumar Singh was produced before learned trial court on 11.09.2024 but after filing his attendance, he could not



depose as he was not feeling well. Considering the aforesaid report it appears that not even a single witness on part of prosecution examined in this matter till now, where petitioner is in custody for about two and half years.

6. In view of the facts and circumstances as mentioned above as petitioner is in custody since 24.04.2022, where trial is a remote aspect, accordingly petitioner, above named, is directed to be released on bail in connection with Sandesh P.S. Case No. 84 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, Bhojpur at Ara/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of the BNSS.

(Chandra Shekhar Jha, J.)

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