

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55839 of 2024

Arising Out of PS. Case No.-242 Year-2022 Thana- NOORSARAI District- Nalanda

Shailendra Yadav @ Shailendra Kumar S/O Raj Kumar Yadav R/O Village-
Chhatarpur, P.S- Noorsarai, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Singh, Sr. Adv.

For the Opposite Party/s : Mr. Binod Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

8 07-02-2025 Heard the parties.

2. The petitioner seeks bail in connection with
Noorsarai P.S. Case No. 242 of 2022 registered for the
offence under Sections 341, 324, 326, 307, 504, 506/34
of the I.P.C. and Section 27 of the Arms Act.

3. The petitioner is named in the F.I.R. and is in
custody since 14.11.2022.

4. This is the second successive bail petition
raised by the petitioner, where his first bail petition was
rejected through Cr. Misc. No. 50162 of 2023 vide order
dated 04.10.2023, with a direction to the learned trial
court as to conclude the trial expeditiously.



5. Learned counsel for the petitioner pointed out that till date only charge have been framed in this case and examination of witness is yet to start. It is further submitted that petitioner is in custody since 14.11.2022 i.e., about two years and three months.

6. Learned counsel submitted that petitioner is in custody since 14.11.2022 i.e., about two years and three months. In the background of aforesaid custody period, it is pointed out that the petitioner cannot be kept behind bar till indefinite period of time in want of trial. It is pointed out that a speedy trial is a fundamental right as held by Hon'ble Supreme Court in the matter of ***Hussainara Khatton and Ors. vs. Home Secretary, State of Bihar*** reported in ***(1980) 1 SCC 81: 1980 SCC (Cri) 23.***

7. Considering aforesaid facts and submission, the petitioner above named, is directed to be released on bail in connection with Noorsarai P.S. Case No. 242 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 Addl. Sessions Judge-VII, Bihar Sharif (Nalanda)/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS. Subject to further conditions:-

- (i) That petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.*
- (ii) Any deliberate attempt on the part of petitioner as to delay the trial may lead to his cancellation of bail bond, if pressed by the prosecution/State.*

(Chandra Shekhar Jha, J)

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