

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58749 of 2025

Arising Out of PS. Case No.-99 Year-2020 Thana- SALAKHUA District- Saharsa

Mritunjay Yadav @ Mritunjay Kumar S/o Awadhesh Yadav @ Awadhesh Kumar R/o Village- Khureshan, P.S.- Salkhua (O.P. Banma Itahari), District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 19-09-2025

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Sessions Trial no.183 of 2021, arising out of Salakhua (Banma Itahari O.P.) P.S. Case no.99 of 2020 registered under sections 302, 147, 148 149, 341, 323, 504, 506 and 427 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the petitioner is said to have shot the husband of the informant in his head leading to his death.

4. Learned counsel for the petitioner submits that the earlier applications for bail of the petitioner were rejected vide order dated 7.9.2021 passed in Cr. Misc. no.14111 of 2021 and lastly on 18.1.2023 passed in Cr. Misc. no.66967 of 2022.



Inspite of the petitioner having remained in custody since 11.7.2020 and cooperating in the trial, the trial is not proceeding and there is no chance of the same concluding in the near future. As an under-trial prisoner, the petitioner has now remained in custody for over 5 years. The petitioner undertakes to abide by any conditions which may be laid by this Court for his release on bail and cooperate in the trial.

5. The application for bail is opposed by learned A.P.P. for the State.

6. A report was called for from the learned trial Court. As per the report received contained in Letter no.83 dated 2.9.2025 of the learned District and Additional Sessions Judge-II, Saharsa, four charge-sheet witnesses have been examined however three witnesses still remain to be examined and for whose appearance summons have been issued.

7. Having heard learned counsel for the parties and taking into consideration the allegation in the F.I.R., the petitioner having remained in custody for more than 5 years since 11.7.2020 and three witnesses still remaining to be examined in the learned trial Court, in the facts of the case the petitioner is directed to be enlarged on bail in connection with Sessions Trial no.183 of 2021, arising out of Salakhua (Banma



Itahari O.P.) P.S. Case no.99 of 2020, 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 Additional Sessions Judge-II, Saharsa 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 the learned trial Court on each date of the trial and shall cooperate in the trial.

III) In case of the petitioner remaining absent on any date for reasons not to the satisfaction of the learned trial Court or the learned trial Court being 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.

(Partha Sarthy, J)

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