

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.586 of 2025

Arising Out of PS. Case No.-69 Year-2021 Thana- ANDHRAMATH District- Madhubani

Devendra Yadav @ Devendra Prasad Yadav Son of Buchhi Yadav Village
-Rawahi PS -Andhramath Distt -Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Namrata Mishra, Sr. Adv
	:	Mr. Ratnakar Jha, Adv
For the Opposite Party/s	:	Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 21-02-2025 Heard learned counsel appearing on behalf of the parties.

2. This is the third successive attempt for bail as pressed by petitioner. First, prayer of bail was rejected through Cr. Misc. No. 69067 of 2021 dated 10.08.2023 considering the available merits. Second, prayer of bail was rejected through Cr. Misc. No. 17398 of 2024 dated 26.04.2024 with a direction to the learned Trial Court to conclude the trial within six months, failing which petitioner can renew his prayer for bail.

3. It is submitted that almost eight months have lapsed after passing the aforesaid order despite the same,



prosecution witnesses in this case are yet to be examined. It is pointed out by Mrs. Namrata Mishra, learned senior counsel that petitioner cannot be kept behind bars for indefinite period of time in want of trial. In support of her submission learned senior counsel relied upon the legal report of Hon'ble Supreme Court as available through **Hussainara Khatton and Others Vs. Home Secretary, State of Bihar as reported in (1980) 1 SCC 81: 1980 SCC (Cri) 23**, where it is pointed out that speedy trial is the fundamental right of the petitioner.

4. Taking note of the custody period, a report was called for from learned learned Trial Court through letter no. 23/25, where it appears that still two prosecution witnesses are to be examined in this case.

5. In view of aforesaid facts and circumstances as mentioned above and specially the custody period and delayed trial, as petitioner is in custody since 27.06.2021, accordingly, petitioner, above named, is directed to be released on bail in connection with Andhramath P.S. Case No. 69 of 2021 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 Sessions Judge IV, Jhanjharpur, Madhubani/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of the BNSS with further conditions:-

(i) If petitioner found to make any attempt or to be involved in delaying the trial, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/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.

(Chandra Shekhar Jha, J.)

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