

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22485 of 2019

Arising Out of PS. Case No.-131 Year-2016 Thana- KHODAWANDPUR District- Begusarai

RAJEEV YADAV Son of Lakhindra Yadav Resident of Village - Purpathar,
P.S.- Khodawandpur, (Chhowrahi O.P.), Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar

For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 01-05-2019 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned counsel appearing on
behalf of the State.

Petitioner had earlier moved for bail which was
rejected by order dated 29.08.2017 passed in Cr. Misc. No.
29015 of 2017.

Petitioner is languishing in judicial custody since
09.11.2016 in connection with Sessions Trial No. 280 of 2017
arising out of Khodawanpur P.S. Case No. 131 of 2016, for
offences punishable under Sections 147, 148, 149 and 302 of the
Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as lodged by the informant is
that while he and his brother Prahalad Kumar Yadav (deceased)
and his wife Sumitra Devi had gone to the field, 13 named



persons along with the petitioner and 4-5 unknown persons came and started assaulting and resorted to indiscriminate firing. The allegation upon the petitioner is that he along with two other named accused fired on his brother who succumbed to the injuries while being taken to the hospital.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and has been falsely implicated in the aforesaid case. He submits that general and omnibus allegations have been leveled against the petitioner and other co-accused, he is languishing in judicial custody since more than two years and trial has not made any headway as none of the prosecution witnesses have been examined as yet.

However, learned counsel for the informant and learned APP for the State vehemently oppose the prayer for bail stating therein that the petitioner along with other co-accused has resorted to firing on which informant's brother succumbed to the injuries and the informant and the wife of the deceased are eye witness to the alleged occurrence.

In this regard, a report was called for from the court of the learned Additional Sessions Judge-V, Begusarai wherein it has been stated that eight unofficial witnesses and two official



witnesses being I.O. and Doctor are to be examined and trial is likely to be concluded within six months.

Considering the nature of allegations, the period of custody and that trial has not made much headway as none of the prosecution witnesses have been examined as yet coupled with the fact that the petitioner does not bear any criminal antecedent as stated in para-3 of the present application, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, V, Begusarai in connection with Sessions Trial No. 280 of 2017 arising out of Khodawanpur P.S. Case No. 131 of 2016, subject to the conditions:-

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the



learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

devendra/priyanka

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