

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13578 of 2021

Arising Out of PS. Case No.-774 Year-2017 Thana- NAWADA District- Nawada

Chhote Yadav @ Ghanshyam Yadav @ Shyamsunder Yadav S/O Late
Shivdani Yadav R/O Village Giryak, P.S.- Giryak, District-Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Advocate
For the Opposite Party/s : Ms. Asha Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 26-03-2021 Heard learned counsel for the petitioner and Ms. Asha
Kumari, learned A.P.P. for the State.

This is second attempt of the petitioner to obtain bail
in connection with Nawada (Kadirganj) P.S. Case No. 774/2017
registered for the offence under Section 341, 326, 307, 34,
120(B) of the Indian Penal Code and Section 27 of the Arms
Act.

Learned counsel for the petitioner submits that earlier
the prayer for bail of the petitioner was rejected vide order dated
04.12.2019 passed in Cr. Misc. No. 71921/2019 when this Court
was informed that the petitioner was arrested with fire-arm by
Giryak Police Station and in course of investigation of the
present case his name has transpired in the confessional
statement of the co-accused as also that he has got criminal



antecedent of at least ten cases on his head.

Learned counsel submits that since then the petitioner has been enlarged on bail in all other cases. He has also been granted bail in which he was arrested with fire-arm. It is his submission that so far as the present case is concerned, save and except that his name had come in the confessional statement of the co-accused, there is absolutely no material against him and now the petitioner has remained in jail in connection with the present case for almost 1 ½ years.

This Court had called for a report from the learned trial court as to the present stage of the trial. It appears from the report received from the learned trial court that till date only commitment has taken place that too recently on 01.03.2021.

Learned A.P.P. for the State has though opposed the prayer for bail of the petitioner, considering the changed facts and circumstances in which now the petitioner has got bail in all other cases and in the present case save and except the confessional statement of the co-accused no other material has been brought to the notice of this Court and further this Court finds from the trial court's report that the trial is not likely to be concluded in near future, considering the basic jurisprudence of the criminal law that an accused cannot be kept in custody as a



measure of punishment, this Court directs release of the petitioner on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada, in connection with Nawada (Kadirganj) P.S. Case No. 774/2017, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

He will attend the trial on each and every date fixed in the matter and failure in putting attendance on two consecutive dates shall invite action towards cancellation of bail bond.

Further condition that considering his criminal antecedent he will keep on attending the Giriyak police station



within whose jurisdiction he is residing at least once in a month and his attendance shall be recorded by the Station House Officer. In case, the petitioner is required to visit outside the jurisdiction of the police station in connection with any employment etc., he will furnish complete information to the Station House Officer and his mobile number so that he may be contacted at any stage.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Let a copy of this order be communicated to the Superintendent of Police, Nawada.

This Application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

