

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28076 of 2021

Arising Out of PS. Case No.-77 Year-2006 Thana- PARASBIGHA District- Jehanabad

Ram Pravesh Yadav Son of Rajnath Yadav Resident of Village- Gauchiya,
P.S.- Parasbigha, Dist- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Choudhary, Advocate

For the Opposite Party/s : Ms. Veenu Kumari Jaiwal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-01-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Parasbigha
P.S. Case No. 77 of 2006 registered for the offences punishable
under Sections 302 read with section 34 and Section 27 of Arms
Act.

According to prosecution case, while the informant
along with his son Shyam Babu Sharma was going to Jhunathhi
for purchasing medicine for his pet and as they reached
Southern-Western side of village Jhunathhi, the petitioner along
with others six co-accused with intention to kill them



surrounded them and they ordered kill Shyam Babu Sharma. After that, co-accused Upadhayay Yadav and Bimal Yadav fired from their rifles upon Shyam Babu Sharma which hit him and as a result of firing, he fell down and died on spot.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. He further submits that from the F.I.R. itself it appears that there is a general and omnibus allegation against the petitioner and nothing has been recovered from his conscious possession. He further submits that there is allegation of firing is against the co-accused, namely Upadhayay Yadav and Bimal Yadav. It has also been submitted that similarly situated co-accused, namely, Upadhayay Yadav has been granted bail by a co-ordinate Bench of this court vide order dated 31.07.2009 passed in Cr. Misc. No. 18364 of 2009. The petitioner is in custody since 27.10.2020.

The learned Additional Public Prosecutor opposed the prayer for bail, submitting that petitioner carries two criminal antecedents.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released 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 Chief Judicial Magistrate, Jahanabad in connection with Parasbigha P.S. Case No. 77 of 2006, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

mdrashid/-

U		T	
---	--	---	--

