

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47840 of 2021

Arising Out of PS. Case No.-168 Year-2014 Thana- KHODAWANDPUR District- Begusarai

Ram Shanker Yadav @ Shanker Yadav @ Shankar Yadav S/O Late Triveni
Yadav R/O Village-Kumbhi, P.S-Cheria Bariyarpur, District-Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Adv

For the Opposite Party/s : Mr.Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code and 27 of Arms Act.

According to FIR three unknown persons, allegedly, fired at the son of the informant in presence of the informant as a result whereof the son of the informant died.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. In fact the petitioner is not named



in the FIR. The name of the petitioner has been transpired on the basis of the confessional statement of co-accused, namely, Manoj Yadav and Arun Yadav. He further submits that except the confessional statement of the co-accused, nothing has come against the petitioner, during investigation and similarly situated several co-accused persons have been granted bail by different Coordinate Benches of this Hon'ble Court vide orders at Annexure-4 series and the petitioner is in custody since 14.04.2021.

Vide order dated 23.03.2022, a report was called for with regard to the stage of the trial. Report reveals that the charge has been framed against the petitioner on 18.09.2021 but till date no any witness has been examined.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, 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 learned Court below where the case is pending in connection with Khodawandpur Police Station Case No. 168 of 2014, with 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/her absence on two consecutive dates without sufficient reason, his/her 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.

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)

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