

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62710 of 2022

Arising Out of PS. Case No.-101 Year-2020 Thana- ISMAILPUR District- Bhagalpur

1. Chandra Kishore Yadav @ Chando S/o Late Bachchi Yadav Resident of village- Kamlakund, P.S.- Ismailpur, District- Bhagalpur.
2. Rakesh Yadav S/o Chandra Kishore Yadav @ Chando, Resident of Village- Kamlakund, P.S.- Ismailpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh, Advocate.

For the Opposite Party/s : Mr.Mohammad Sufyan, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 21-12-2022 Heard Mr. Viveka Nand Singh, learned counsel appearing on behalf of the petitioners and Mr. Mohammad Sufyan, learned A.P.P. for the State.

The petitioners seek regular bail in connection with Ismailpur P.S. Case No. 101 of 2020 for the offence punishable under Sections 147, 148, 149 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution story, in brief, is that in course of gang war between two criminal gangs, several persons had sustained injury in course of cross firing on 24.11.2020 at village – Ismailpur Diyara.

This Court vide order dated 30.11.2022 had directed the trial court to submit a report with respect to the stage of trial.



In compliance of the same, a report has been submitted by him contained in Letter No. 96 dated 05.12.2022.

From perusal of the aforesaid report, it appears that out of six prosecution witnesses, none has been examined and the next date was fixed on 19.12.2022.

Learned counsel appearing on behalf of the petitioners submitted that earlier four accused persons including the present petitioners had come before this Court for grant of regular bail in Cr. Misc. No. 28557 of 2021 in which prayer of bail of the present petitioners was rejected while petitioner nos. 2 and 4 of Cr. Misc. No. 28557 of 2021 were released on bail. The present case is a counter blast of the earlier case filed on behalf of petitioner no.1 wherein present petitioners had sustained injury. Petitioners are in custody since 01.12.2020.

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

From perusal of the report of the trial court, it appears that no substantial progress has been taken in conduct of the trial.

The Superintendent of Police, Bhagalpur is directed to produce all the prosecution witnesses on the date fixed by the trial court.



In the meantime, considering the fact that the petitioners who are under trial have remained in custody since 01.12.2020, they are directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Naugachia in connection with Ismailpur P.S. Case No. 101 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(4) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bonds.

(Purnendu Singh, J)

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