

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5539 of 2023

Arising Out of PS. Case No.-39 Year-2022 Thana- PATNA CITY CHOWK District- Patna

ANIL RAI @ ANIL YADAV @ ANIL KUMAR Son of Ramnath Yadav @
Ramnath Ray R/o Ghagha Gali, P.S- Chowk, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Adv.

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 4 03-08-2023 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. Petitioner, who is in custody since 23.04.2022 seeks bail, in connection with S. Tr. No.1170/2022, arising out of Chowk P.S. Case No.39/2022, dated 24.01.2022, for the offences punishable under Sections 302/34 of the IPC.
3. According to prosecution case, the husband of the informant went to Mangaltalab and when he did not return, she went to the pond and thereafter she came to know from Badal Ram that the petitioner along with co-accused persons, namely, Harsh Kumar and Vikash Kumar @ Gunga have caused firearm injury to her husband and later on he died during course of treatment.
4. Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in the present case. He further submits that on the basis of hearsay statement, the present F.I.R. has been instituted by the wife of the deceased. He further submits that after lodging of the present case, the statement of Badal Ram was recorded on 25.01.2022 in which he has categorically stated that the petitioner and other co-accused persons have fired upon the victim. He further submits that when Badal Ram has knowledge why he has not disclosed before the wife of the deceased and why the name of the petitioner has not been incorporated in the F.I.R. He further submits that co-accused, namely, Anshu Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 04.01.2023 passed in Cr. Misc. No.70725/2022, another co-accused namely Raushan Kumar @ Gunga has been granted bail vide order dated 12.01.2023 passed in Cr. Misc. No.70094/2022 and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 23.04.2022.

5. Vide order dated 21.06.2023 a report was called for from the learned trial court. Report dated 17.07.2023 of the learned trial court reveals that charge has been framed on 18.11.2022 itself and out of 16 charge sheet witnesses,



prosecution has not examined any witness as yet.

6. Learned counsel for the petitioner submits that in view of the report of the learned trial court, the trial is not likely to be concluded in near future and the petitioner is in custody since 23.04.2022 and similarly situated co-accused persons have been granted bail by co-ordinate Bench of this Court.

7. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried sixteen criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that out of sixteen cases, the petitioner is on bail in fifteen cases.

6. Considering the aforesaid facts and circumstances as well as period of custody, 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 A.C.J.M.-IV, Patna City/A.D.J.-IV, Patna City in connection with S. Tr. No.1170/2022, arising out of Chowk P.S. Case No.39/2022, 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)

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