

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7276 of 2023

Arising Out of PS. Case No.-127 Year-2019 Thana- PASRAHA District- Khagaria

RAKESH YADAV Son of Late Ganesh Yadav R/v- Basua, P.S.- Pasraha,
District- Khagaria Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nand Singh

For the Opposite Party/s : Mr. A. L. Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 15-03-2023 Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Sessions Trial No. 22 of 2022, arising out of Pasraha (Supplementary) Police Station Case No. 127 of 2019, registered for the offences punishable under Sections 147/148/149/160/302/307/326/386 of the Indian Penal Code and Section 27 (i) of the Arms Act.

This is the second attempt on behalf of the petitioner for grant of regular bail. Earlier, the prayer for regular bail of the petitioner was rejected by this Court, vide order, dated 10.05.2022, passed in Criminal Misc. No. 50850 of 2021, giving liberty to the petitioner to renew his prayer for bail after six months from the date of the order, if the trial does not show any progress.

The prosecution story, as per the First Information



Report, is that in the cross firing between two groups, two persons, who were going on a motorcycle, sustained bullet injury, out of which one person, namely, Sadanand Kumar, died, while the another person, namely, Sujeet Kumar, sustained bullet injury. On the basis of the statement of the injured Sujeet Kumar, during the course of investigation, it transpired that firing made by co-accused Sujan Yadav hit the deceased and the firing made by this petitioner hit him.

Learned Counsel for the petitioner submits that the petitioner has renewed his prayer for bail, as observed by this Court in the order dated 10.05.2022. He further submits that the petitioner is in custody since 23.06.2021 and in course of investigation the injury report of the injured Sujeet Kumar has not been brought on record. He further submits that the trial of the case has not shown any progress since the date of last rejection of the prayer for bail of the petitioner.

This Court, vide order, dated 08.02.2023, had called for a report from the learned Court below regarding the stage of the case and in pursuance of the said order, a report has been submitted by learned Incharge Additional Sessions Judge-III, Khagaria, and from perusal of the same, it would be evident that out of seven prosecution witnesses, none has been examined by



the prosecution.

After having heard learned Counsel for the parties and taking into consideration the nature of allegation and the fact that the petitioner is in custody since 23.06.2021, the trial has not shown any progress and this is second attempt on behalf of the petitioner for grant of regular bail, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Khagaria, in connection with Sessions Trial No. 22 of 2022, arising out of Pasraha (Supplementary) Police Station Case No. 127 of 2019.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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