

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22285 of 2022

Arising Out of PS. Case No.-232 Year-2018 Thana- KAUWAKOL District- Nawada

RABINDRA YADAV S/o Ramashish Yadav R/o village- Benipur, P.S.-
Kawakol (Rupo), District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narayan, Sr. Adv. Mr. Suresh Singh, Adv.
For the Opposite Party/s	:	Mr. Anil Kumar, APP
For the Informant	:	Mr. Man Mohan Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 14-02-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 307 of the
Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, the petitioner along
with others shot fired on the son of the informant, namely
Upendra Yadav, on account of which, he sustained firearm
injury and fell down.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that it appears from the F.I.R.



that there is two Ravindra Yadav in the F.I.R and who fired on the informant's son is not clear from the F.I.R. The allegation against the petitioner is that he fired gun-shot upon the son of the informant. He further submits that the gun shot has been fired by another Ravindra Yadav. Vide order dated 23.01.2023, a report was called for with regard to the stage of trial. Report dated 01.02.2023 reveals that the charges were framed against the petitioner and accused persons on 20.12.2022 and the case is pending for the prosecution evidence and till date none of the witnesses have been examined.

Learned counsel for the petitioner submits that in view of the report, it appears that trial will not be completed in near future and police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 10.02.2022. He further submits that similarly situated, co-accused, namely, Ramashish Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 11.07.2019 passed in Cr. Misc. No. 26912 of 2019, co-accused namely, Saukhi Yadav and Ravindra Yadav have been granted bail by a co-ordinate Bench of this Court vide order dated 06.12.2019 passed in Cr. Misc. No.80466 of 2019 and co-accused namely, Dharmendra Yadav has been granted bail by a co-ordinate



Bench of this Court vide order dated 25.06.2020 passed in Cr. Misc. No. 9331 of 2019.

The learned counsel for the informant and learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries six criminal antecedent other than the present one.

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 Court below where the case is pending in connection with Kawakol (Rupo) P.S. Case No. 232/2018, 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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