

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27831 of 2023

Arising Out of PS. Case No.-630 Year-2020 Thana- BANKA District- Banka

Ramesh Yadav S/o Late Tipan Yadav R/o Village- Kushaha, P.S- Banka,
Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhilesh Dutta Verma

For the Opposite Party/s : Mr. Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 03-05-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Banka
P.S. Case No.630 of 2020, registered for the offences
punishable under Sections 147, 148, 149, 323, 307 and
302 of the Indian Penal Code and Section 3/4 of the
Explosive Substances Act.

The prosecution case as emerging from the F.I.R.
is that the petitioner along with his associates assaulted the
informant and his brothers with *lathi, danda*, rod, pistol and
bomb. It is further alleged that one of the brothers of the
informant, namely, Sanjay Yadav succumbed to the injuries.



Ld. Counsel for the petitioner submits that application for grant of bail was earlier rejected by this Court vide order dated 28.09.2022, passed in Cr. Misc. No. 18865 of 2022 with an observation that if the trial is not concluded within a period of six months, the petitioner is at liberty to renew his prayer for bail.

Ld. counsel for the petitioner states that Trial in this case has not been concluded as yet.

He further states in paragraph no. 16 of the petition that in this case, charge has been framed against the accused and thereafter trial is going on and pending in the Court of A.D.J. III, Banka vide Sessions Trial No. 156 of 2021 and 471 of 2022 and since then no witness has been produced before the court for his deposition in spite of several directions given by the Ld. Additional District Judge-III, Banka. In support of his submission the petitioner has annexed order-sheet of the record of the trial proceeding.

Considering the aforesaid facts and circumstances, particularly the fact that the trial has not yet been concluded **this application is allowed**, directing the petitioner, above-



named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. A.D.J.-II, Banka in connection with Banka P.S. Case No.630 of 2020 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has



concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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