

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30227 of 2023

Arising Out of PS. Case No.-63 Year-2020 Thana- SISWAN District- Siwan

GUDDU YADAV @ GUDDU KUMAR YADAV Son of Daroga Yadav
Resident of village - Ramgarh, P.S.- Siswan, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Adv.
Ms. Kumari Anupam, Adv.
For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-07-2023 1. Heard Mr. Yogesh Chandra Verma, learned Senior
counsel for the petitioner and learned Additional Public Prosecutor
for the State.

2. Petitioner seeks bail, who is in custody since 06.05.2020
in connection with S.T. No.187/2020, arising out of Siswan P.S. Case
No. 63/2020, F.I.R. dated 12.04.2020, for the offences punishable
under Sections 302, 34 of the IPC & Section 27 of the Arms Act.

3. According to prosecution case, the petitioner is alleged
to have fired twice upon the brother of the informant namely Chhathu
Prasad on his chest due to which he fell down. Thereafter he was
taken to hospital but he died on way to hospital.

4. Earlier the bail petition of the petitioner was rejected
vide order dated 10.05.2022 in Cr. Misc. No. 48518/2021 and
thereafter the petitioner again moved the bail petition on 29.03.2023,



which was dismissed as withdrawn. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R.

5. Vide order dated 10.05.2023 a report was called for from the learned Trial Court. Report dated 20.05.2023 of the learned Trial Court reveals that charge has been framed against the petitioner on 24.03.2021 but the 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 06.05.2020.

7. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

8. Considering the aforesaid facts and 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 Additional Sessions Judge-IX, Siwan in connection with S.T. No.187/2020, arising out of Siswan P.S. Case No.63/2020, 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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