

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30531 of 2022

Arising Out of PS. Case No.-488 Year-2020 Thana- BIDUPUR District- Vaishali

RAJA YADAV Son of Subhash Prasad Singh Resident of village - Khilwat,
P.S.- Bidupur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Adv.

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 02-03-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 341, 324, 307/34 of the Indian Penal Code
and Section 27 of the Arms Act.

While the informant was coming to his house, four
unknown accused persons started firing upon the informant as a
result of which he sustained bullet injuries over his shoulder and
stomach.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner has not been
named in the F.I.R., however, his name transpired in this case
during course of investigation on the basis of confessional
statement of the co-accused, Anant Prakash. He further submits
that nothing incriminating has been recovered from the
conscious possession of the petitioner nor the prosecution has



conducted T.I.P. till date. He further submits that during course of investigation, the petitioner has confessed that he was involved in the alleged occurrence. He further contends that save and except the confessional statement of the co-accused and the self confession of the petitioner, no cogent material has surfaced against the petitioner.

Vide order dated 25.01.2023, a report was called for with regard to the present stage of the trial and the report dated 22.02.2023 reveals that charge has been framed against the petitioner on 09.02.2023 under Sections 341, 307, 324 and 34 of the Indian Penal Code along with the Section 27 of the Arms Act and the case is pending for prosecution evidence.

In view of the aforesaid, learned counsel for the petitioner submits that the trial is not likely to be concluded in near future and the petitioner is languishing in judicial custody since 07.03.2022.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries thirteen more cases other than the present one but he fairly submits that out of thirteen (13) cases, the petitioner is stated to have been on bail in eleven (11) cases.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Court below where the case is pending in connection with Bidupur P.S. Case No. 488 of 2020 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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