

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38245 of 2023

Arising Out of PS. Case No.-34 Year-2021 Thana- GOPALPUR District- Patna

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RAM NATH YADAV @ RAM NATH RAY Son of Lallu Yadav Resident of
village - Bairiya, P.S. - Gopalpur, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar, Adv. Mr. Manish Kumar, Adv. Mr. Praveen Kumar, Adv. Mr. Rohit Kumar, Adv.
For the Opposite Party/s :		Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 4 01-09-2023 1. Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.
2. Petitioner, who is in custody since 21.05.2022 seeks
bail, in connection with S. Tr. No.1151/2022, arising out of
Gopalpur P.S. Case No.34/2021, dated 25.01.2021, for the
offences punishable under Sections 302, 201, 120(B) of the IPC.
3. According to prosecution case, the petitioner along
with the co-accused namely Sanni Kumar and others are alleged
to have killed the deceased with bricks stone.
4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case merely



on the basis of suspicion. He further submits that the informant is not an eyewitness of the alleged occurrence. The office of the petitioner is adjacent to the place of occurrence, so, the petitioner was seen in C.C.T.V. footage and there is no authentication of the C.C.T.V. footage, which was produced before the police and in C.C.T.V. footage, the petitioner was not seen to commit the crime in question and even the finger print of the petitioner was not found at the place of occurrence and except the suspicion, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present crime in question. He further submits that co-accused, namely, Sanni Kumar has been granted bail by this Court vide order dated 03.07.2023 passed in Cr. Misc. No.6136/2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 21.05.2022.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand have vehemently opposed the prayer for bail of the petitioner and submits that there is sufficient material particularly in paragraphs no. 3, 9, 10, 41, 42, 43, 44, 162 and 163 of the case diary, which suggest that the petitioner was involved in the



present crime in question and apart from that the petitioner has also carried one criminal antecedent other than the present one.

6. Considering the aforesaid facts that the co-accused has been granted bail by this Court and except suspicion, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence, 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-XIII, Patna in connection with S. Tr. No.1151/2022, arising out of Gopalpur P.S. Case No.34/2021, 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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