

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40237 of 2023

Arising Out of PS. Case No.-106 Year-2021 Thana- CHARPOKHARI District- Bhojpur

VIKASH YADAV S/O VINAY YADAV @ VINAY SINGH R/O Village-
Baraura, PS. Agiaon (G), Dist. Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Adv.

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-07-2023 1.Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
20.06.2021 in connection with Charpokhari P.S. Case No. 106/2021,
F.I.R. dated 19.06.2021, for the offences punishable under Sections
324, 307, 34 of the IPC & sections 27 of the Arms Act but later on
Section 302, 201 and 34 of the IPC were added.

3. According to prosecution case, the petitioner along with
co-accused namely Ravi Kumar have opened fire, upon which,
informant's nephew Guddu Kumar and his cousin Dipu Kumar were
seriously injured. It is also alleged that the petitioner also assaulted
the informant on his forehead with sharp panja due to which he fell
down. Thereafter all the three injured persons were taken to hospital
for treatment.

4. Learned counsel for the petitioner submits that earlier
the bail petition of the petitioner was rejected vide order dated



21.04.2022 in Cr. Misc. No. 59799/2021 and again the petitioner moved bail petition vide Cr. Misc. No.16739/2023 vide order dated 19.04.2023, which was dismissed as withdrawn with liberty to move a fresh application before the learned court below. Learned counsel for the petitioner submits that the petitioner 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 05.07.2023 a report was called for from the learned Trial Court. Report dated 07.07.2023 of the learned Trial Court reveals that the charge has been framed against the petitioner on 17.12.2021 but the prosecution has not examined any witnesses as yet and the case is pending for examination of the prosecution witnesses.

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 20.06.2021.

7. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried three criminal antecedent other than the present one.

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 District Judge-XVII, Bhojpur at Ara in connection with S. Tr. No.308/2021, arising out of Charpokhari P.S. Case No.106/2021, 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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