

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41775 of 2022

Arising Out of PS. Case No.-752 Year-2020 Thana- MUFFASIL District- West Champaran

Krishna Yadav Son Of Surendra Choudhary @ Surendra Yadav @ Sulli
Choudhary R/O Village- Bagahi Bazar, P.S.- Kateya, District- Gopalganj
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishwajeet Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 11-01-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code and Section 27 of the Arms Act.

According to prosecution case, the informant's son
was shot dead by three unknown criminals while he was going
to Bettiah on his motorcycle.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case only on
the basis of suspicion. He further submits that in fact, the
petitioner is not named in the F.I.R. and the name of the
petitioner has been transpired only on the basis of suspicion. He



further submits that during investigation, no cogent material has come against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that the petitioner is in custody since 16.12.2020. He further submits that the co-accused, namely, Reyaz Ahmad has been granted bail vide order dated 04.04.2022 passed in Cr. Misc. No. 53492 of 2021.

Vide order dated 12.10.2022 a report was called with regard to the stage of trial. Report dated 21.10.2022 reveals that out of eight witnesses, no witness has been produced by the prosecution and the case is pending for the prosecution evidence.

Learned counsel for the petitioner submits that in view of the report of the learned Trial Court that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 16.12.2020.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries six criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances and the 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 Court below where the case is pending in connection with Bettiah Muffasil P.S. Case No. 752 of 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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