

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53021 of 2022

Arising Out of PS. Case No.-95 Year-2021 Thana- SULTANGANJ District- Bhagalpur

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VINOD YADAV @ BINOD YADAV S/O LATE RAJENDRA YADAV
Resident of village- Shivnandanpur, P.S.- Sultanganj, District- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gautam Kumar Kejriwal, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 17-07-2023 Heard Mr. Gautam Kumar Kejriwal, learned counsel
for the petitioner and the learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 05.04.2022 in connection with Sultanganj P.S.Case No.95 of 2021, F.I.R. dated 15.05.2021 registered for the offence punishable under Sections 307,506,34 of IPC and Section 27 of Arms Act.

3.The prosecution case, in brief, is that the informant alleged that on 15.05.2021, co-accused, namely, Pinku Yadav @ Bahira and the petitioner came at the field of the informant and due to previous dispute co-accused, namely, Pinku Yadav @ Bahira fired upon the informant on his stomach and thereafter the petitioner has fired which shot at the left hand of the informant.



4. Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Further submits that from bare perusal of the FIR it appears that the allegation of firing is against co-accused, namely, Pinku Yadav @ Bahira and the petitioner. Further submits that as per FIR co-accused, namely, Pinku Yadav @ Bahira fired upon the informant on his stomach and thereafter the petitioner has fired which shot at the left hand of the informant. Learned counsel for the petitioner submits that due to previous old dispute, the present occurrence had taken place and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 05.04.2022.

5. Vide order dated 11.04.2023, a report was called for with regard to the present status of the trial. Report of the learned Trial Court dated 20.04.2023 reveals that the charge has been framed on 20.10.2022 and altogether there are seven chargesheet witnesses, 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 there is no chance of early conclusion of the trial in near future and the petitioner is



in custody since 05.04.2022.

7. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries four more cases other than the present one but fairly submits that out of four cases, the petitioner has been acquitted in two cases and in one case the petitioner is on bail and rest one case is pending for consideration, as mentioned in para-3 of the supplementary affidavit.

8. Considering the aforesaid facts, 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 learned Chief Judicial Magistrate, Bhagalpur in connection with Sultanganj P.S.Case No.95 of 2021, with the following conditions:-

(I) 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 cancelled by the Court below.

(II) 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.

(III) 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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