

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56701 of 2022

Arising Out of PS. Case No.-23 Year-2020 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

PRAMOD YADAV S/o Harkhit Yadav R/o village- Kabirpur, P.S.- Shekhopur
Sarai, District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Adv. Mr. Sabal Kumar Jha, Adv.
For the Opposite Party/s	:	Mr. Vinod Shanker Modi, APP
For the Informant	:	Mr. N.K. Agarwal, Sr. Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-03-2023 Heard Mr. Krishna Prasad Singh, learned counsel
for the petitioner and Mr. N.K. Agarwal, learned senior
counsel for the informant as well as learned A.P.P. for the
State.

The petitioner seeks bail in a case registered for
the offence under Sections 307, 302 and 34 of the Indian
Penal Code and Section 27 of the Arms Act and the police has
submitted charge-sheet under Sections 302/34 of the Indian
Penal Code.

The father of the informant is killed by the gun
shot injury inflicted by the petitioner.

Learned senior counsel appearing for the



petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that according to the F.I.R, the petitioner is stated to be the main assailant in this case who allegedly fired upon the father of the informant due to which he died. He further submits that though the petitioner is said to be the main assailant but the police has submitted final form exonerating the petitioner from the accusation. However, the learned Magistrate deferring with the police report took cognizance against the petitioner and others under Section 302/34 of the Indian Penal Code. He further contends that as a matter of fact, on the alleged day of occurrence, the petitioner was admitted to the Anamika Hospital in Patna for his treatment and he was not present at the place of occurrence. Therefore, no case under Section 302/34 of the Indian Penal Code is made out against the petitioner. The petitioner is rotting in judicial custody since 01.07.2022.

Learned A.P.P. for the State as well as learned senior counsel for the informant vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is stated to be the main assailant of the crime in question and the documents on which plea of alibi is being



taken by the petitioner are false and fabricated and the same are manufactured. It has also been submitted that the petitioner carries two more cases other than the present one.

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 Sessions Trial No. 214 of 2022 arising out of Shekhopur Sarai P.S. Case No. 23 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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