

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62205 of 2022

Arising Out of PS. Case No.-121 Year-2016 Thana- BIHIA District- Bhojpur

RAMA PATI YADAV @ RAMPATI YADAV @ LANGRA Son of Jagan
Yadav Resident of Village - Lachu Tola, P.S.- Ara Muffasil, District - Bhojpur.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav, Adv.

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 337, 302, 504 of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, there is allegation against the petitioner that he along with other co-accused persons assaulted the brother of the informant.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the present case took place due to political rivalry between the parties and open free fight have been made between the parties and the petitioner is not named in the F.I.R. The name of the



petitioner has been transpired during investigation. He further submits that the specific allegation is against co-accused, namely, Bhola Yadav and Tej Narayan Yadav, who fired upon the deceased and there is no specific allegation of any assault or overt act against the petitioner. He further submits that against whom the allegation of firing namely, Bhola Yadav and Tej Narayan Yadav have been granted bail vide order dated 14.09.2017 passed in Cr. Misc. No. 37183/2017 (Bhola Yadav) and other co-accused namely, Rama Swami @ Rama Swami Yadav and others have been granted anticipatory bail vide order dated 20.06.2018 passed in Cr. Misc. No. 21397/2018 and other co-accused persons namely, Nandan Singh and Tej Narayan Singh have been granted bail vide order dated 23.09.2016 passed in Cr. Misc. No. 26976/2016 and Cr. Misc. No.28254/2016. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 19.08.2022.

The learned Additional Public Prosecutor for the State on the other hand on the basis of the material available on the record and the case diary has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner also fired upon the victim. He further submits that the petitioner was also



absconding for more than seven years.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, after framing of the charge, 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 Bihiya P.S. Case No. 121/2016, 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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