

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63653 of 2022

Arising Out of PS. Case No.-127 Year-2019 Thana- PASRAHA District- Khagaria

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Sugan Yadav S/O Late Ganesh Yadav Resident of Village- Basua, P.S.-
Pasraha, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hare Krishna Prasad, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 21-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
25.01.2021 in connection with Pasraha P.S. Case No. 127 of
2019, F.I.R. dated 01.10.2019 for the offences punishable under
Sections 147, 148, 149, 160, 302, 307, 326, 386 of the Indian
Penal Code and Section 27(i) of the Arms Act.

According to prosecution case, the Officer Incharge of
the police station got an information that due to previous enmity
two groups were resorting to indiscriminate firing amongst
themselves and the police party reached to the place of
occurrence and recovered left over live cartridges, empty
cartridges and other articles. It has also been stated that due to
cross firing between the two groups, two persons who were



going on motorcycle sustained gun-shot injury, out of which, one, Sadanand Kumar died while another, namely, Sujeet Kumar sustained bullet injury.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case merely on the basis of suspicion. He further submits that both the group have fired upon each other and there is no specific that who fired upon the deceased and the petitioner is the leader of the group apart from petitioner has carries 15 criminal antecedent so he has falsely been implicated in the present case. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 25.01.2021.

Vide order dated 11.04.2023 a report was called for with regard to the present stage of trial. Report dated 17.04.2023 of the learned trial court reveals that the case is fixed on 24.04.2023 for framing of charge but the Court is vacant since 21.01.2023 so that the charge has not been framed as yet against the petitioner.

Learned counsel for the petitioner further submits that in view of the report of the learned trial court that the trial is not concluded in near future and the petitioner is in custody since



25.01.2021.

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

Considering the aforesaid facts and circumstances and period of custody, let the petitioner, above named, be released on bail, **after framing of 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 of Sri Thakur Aman Kumar, Additional Sessions Judge-III, Khagaria in connection with Pasaraha P.S. Case No. 127 of 2019, 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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