

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75095 of 2022

Arising Out of PS. Case No.-4 Year-2017 Thana- BANKA District- Banka

Pawan Kumar S/O Dinesh Yadav Resident of village- Gora, P.S.- Banka,
District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 22-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 19.07.2022, in connection with Banka P.S. Case No. 04 of 2017, F.I.R. dated 06.01.2017 registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

3. Allegation against the petitioner is that he along with other co-accused persons took Janardhan Yadav with them on assurance that they would solemnize marriage with Rakha Kumari but the accused persons tied Janardhan Yadav with a tree and brutally assaulted him causing his death.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that from



perusal of the F.I.R. it appears that there is no specific allegation attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner that they have brutally assaulted the deceased tied him with a tree causing his death. He further submits that co-accused person namely Chunki Devi and Rekha Kumari have been granted bail by a Coordinate Bench of this Court vide order dated 19.09.2017 passed in Cr. Misc. No. 44914 of 2017, another co-accused person Dinesh Yadav who was also accompanied with the petitioner has been granted bail by a Coordinate Bench of this Court vide order dated 24.03.2021 passed in Cr. Misc. No. 2460 of 2021 respectively and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 19.07.2022.

5. Vide order dated 11.07.2023, a report was called for with regard to the stage of the trial. The report of the learned Trial court dated 19.07.2023 reveals that charge has been framed against the petitioner on 17.05.2023 under Sections 302/34, 201/34 of the Indian Penal Code but the prosecution has not produced any witness as yet.

6. Learned counsel for the petitioner submits that in view of the report of the learned Trial court, the trial is not



concluded in near future and the petitioner is in custody since 19.07.2022 and other similarly situated co-accused persons have been granted bail by a Coordinate Bench of this Hon'ble Court..

7. Considering the aforesaid facts and circumstances of the case and in view of the report of the learned Trial Court as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 04 of 2017, 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 witness, 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 antecedents, 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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