

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76072 of 2023

Arising Out of PS. Case No.-22 Year-2014 Thana- DUMARIYA District- Gaya

Nagendra Yadav @ Binod Yadav Son of Bhola Yadav Resident of Village -
Barha, Police Station - Dumariya, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamendra Pd. Singh, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-12-2023 Heard Mr. Kamendra Pd. Singh, learned counsel for
the petitioner and MS. Pushpa Sinha, learned Additional Public
Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
07.09.2016 in connection with Dumaria P.S. Case No. 22 of
2014, F.I.R. dated 09.04.2014 for the offences punishable under
Sections 147, 148, 149, 353, 307, 120(B) of the IPC and Section
3/4 of Explosive Substance Act and Section 17 of the C.L.A. Act.

3. Earlier the petitioner had moved before this
Hon'ble Court in Cr. Misc. No.14445 of 2017, Cr. Misc.
No.60857 of 2017 and Cr. Misc. No.56653 of 2022 and his
prayer for bail was rejected vide order dated 20.04.2017,
28.02.2018 and 27.02.2023 respectively and petitioner has
renewed his prayer for bail.

4. Learned counsel for the petitioner submits that the



allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and there are altogether eight charge sheet witnesses and some of the independent witnesses have been examined and they have become declared hostile and the other co-accused persons namely, Raja Yadav had been granted bail vide order dated 10.04.2015 passed in Cr. Misc. No.14319 of 2015.

5. Vide order dated 10.11.2023 a report was called for with regard to stage of the trial. Report dated 29.11.2023 of the learned trial court reveals that out of eight charge sheet witnesses five witnesses have already examined and the case is pending for examination of rest three prosecution witnesses.

6. The learned Additional Public Prosecutor on the other hand, on the basis of material available on record has vehemently opposed the prayer for bail of the petitioner and submits that it appears from the FIR that there is specific allegation in the FIR, apart from that the petitioner carries fourteen criminal antecedent other than the present one, but fairly submits on the basis of paragraph-3 of the petition that the petitioner is on bail in all the pending matters.

7. Learned counsel for the petitioner referring the aforesaid report and submits that in view of report of the learned



trial court that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 07.09.2016, more than seven years and co-accused persons have been granted bail by co-ordinate bench of this Court.

8. Considering the aforesaid facts and circumstances, report of the 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge, Sherghati, Gaya in connection with Dumaria P.S. Case No. 22 of 2014, subject to 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 absence on two consecutive dates without sufficient reason, his 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)

Prakash Narayan

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