

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13015 of 2024

Arising Out of PS. Case No.-116 Year-2008 Thana- FATEHPUR District- Gaya

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Ganesh Yadav @ Nago Yadav (M), aged about 76 years, S/O Fucha Yadav @ Fuchha Yadav R/O Village- Parsatari, Ps.- Chauparan, Dist.- Hazaribagh (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in a case registered for the offence under Sections 147, 148, 149, 323, 307, 302, 504, 506 and 120(B) of the Indian Penal Code.

3. Allegation against the petitioner is that he was the members of unlawful assembly.

4. Learned counsel for the petitioner has submitted that petitioner has falsely been implicated in this case. He next submits that petitioner has got clean antecedent and he is in custody since 25.08.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.



6. On perusal of the first information report and impugned order dated 29.11.2023, it appears that the petitioner assaulted the deceased by lathi blow. He next submits that main co-accused, Talo Yadav has been acquitted by the Trial Court in Sessions Trial No.216 of 2017 vide judgment dated 22.01.2019 passed by learned Ist Additional Sessions Judge, Fast Track Court, Gaya as stated in para-12 of the petition and similarly situated three co-accused persons have also been granted bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 27854 of 2014 and Cr. Misc. No. 16485 of 2013. Considering the above facts, let the petitioner, above named, be directed to be released on bail *after framing of the charge* in connection with Fatehpur P.S. Case No.116 of 2008 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-X, Gaya with further condition that one of the bailors shall be close relative of the petitioner.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen) days from the date of receipt of a copy of this order. However, it is made clear that *if the charge-sheet has not been submitted* then the above named petitioner shall be



released on bail on furnishing bail bond with further condition
that the petitioner has to be present physically on each and every
date before the Trial Court till conclusion of the trial.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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