

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20566 of 2024

Arising Out of PS. Case No.-232 Year-2018 Thana- KAUWAKOL District- Nawada

Rajaram Yadav @ Sharwan Yadav Son of Nakul Yadav Resident of Village-
Risdi, P.S.- Sikandra, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Murli Dhar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

10 06-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Kawakole (Rupau) P.S. Case No. 232 of 2018 registered for the offences punishable under Sections 147, 148, 149, 307 of the Indian Penal Code read with Section 27 of the Arms Act.

3. As per prosecution case, petitioner and others are said to have fired upon informant's cousin brother Dalpati Yadav by means of rifle as a result of which he sustained injury.

4. Learned counsel for the petitioner submits that on similar and identical allegation, co-accused Dharmendra Yadav has already been granted bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 9331 of 2020. Petitioner is in custody since 29.08.2023 and he bears criminal antecedent of four cases in which he is on bail. Charge sheet has been



submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that from the perusal of F.I.R., it appears that the occurrence took place on 15.10.2018 and F.I.R. was lodged on 16.10.2018 without any explanation. He further submits that though, there is allegation of firing against the petitioner and other but injury of victim Dalpati Yadav indicates that there is only one gun shot injury. Learned counsel further submits that cognizance has been taken. He has orally submits that no witness has been examined. Hence, the trial is not likely to be concluded in near future.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. A report regarding stage of trial has been sought by this Court and in pursuance of the said direction, the trial court vide letter no. 121 dated 29.08.2024 has sent its report which reveals that cognizance has been taken but trial court report reflects that none of the prosecution witness has been examined as yet.

7. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, trial is not likely to be concluded in near future, argument advanced on behalf of both sides and also taking into



consideration the material available on record, 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 Judicial Magistrate, Ist Class, Nawada in connection with Kawakole (Rupau) P.S. Case No. 232 of 2018, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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