

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16165 of 2024

Arising Out of PS. Case No.-138 Year-2022 Thana- KADWA District- Katihar

Pradeep Yadav @ Pradip Yadav Son of Prithvi Yadav Resident of Village-
Sagrath Ward No. 09, P.S.- Kadwah, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Prawesh Kumar, Advocate
For the State	:	Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 26-04-2024 Heard Mr. Ram Prawesh Kumar, learned counsel

for the petitioner and Mr. Dilip Kumar No. 1, learned A.P.P. for
the State.

2. The petitioner seeks bail in connection with
Kadwa P.S. Case No. 138 of 2022, FIR dated 09.05.2022 for the
offences punishable under Sections 302 and 34 of the Indian
Penal Code.

3. Earlier the prayer for bail of the petitioner was
rejected vide order dated 27.02.2023 passed in Cr. Misc. No.
57191 of 2022.

4. Learned counsel for the petitioner submits that
the petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that from a
bare perusal of the FIR it appears that there is no specific
allegation of any assault or overt act rather general and omnibus



allegation against all the accused persons including the petitioner. He further submits that the other accused person, namely, Champa Devi, who happens to be the wife of the petitioner has been granted bail by this Court vide order dated 19.01.2024 passed in Cr. Misc. No. 86430 of 2023. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 10.05.2022.

5. Vide order dated 01.03.2024, a report with regard to the present status of the trial was called for. Report of the learned Trial Court dated 05.03.2024 reveals that out of nine witnesses, five witnesses have already been examined and four prosecution witness is to be examined.

6. Learned counsel for the petitioner submits that in view of the 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 10.05.2022.

7. Learned APP for the State vehemently opposed the prayer for bail of the petitioner.

8. Considering the facts and circumstances of the case and the fact that the co-accused person has already been granted bail by this Court and period of custody, let the, above named, petitioner 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 learned Additional Sessions Judge, V, Katihar in connection with Kadwa P.S. Case No. 138 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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