

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28734 of 2024**

Arising Out of PS. Case No.-176 Year-2018 Thana- GARDANIBAG District- Patna

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Ram Pravesh Yadav @ Ram Pravesh Rai, Son of Late Lal Babu Rai, resident  
of village- Balamichak, P.S- Phulwarisharif, District Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Rashid Zafar, Advocate

For the Opposite Party/s : Mr.Madhura Nand Jha, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

5      05-07-2024                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 624 of 2018, arising out of Gardanibagh P.S. Case No. 176 of 2018, registered for the alleged offences under Sections 302, 120B, 307, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the petitioner and other co-accused persons fired upon the cousin and other relatives of the informant and the cousin of the informant died and two other persons suffered injuries.

4. The learned counsel for the petitioner submits that



this is the fourth attempt of the petitioner to seek bail from this Court as his prayer for bail was thrice rejected vide orders dated 25.04.2019, 30.06.2021 and 22.03.2023 passed in Cr. Misc. Nos.75675 of 2018, 34114 of 2020 and 821 of 2023, respectively. The learned counsel further submits that on previous occasions, prayer of the petitioner was rejected by a Coordinate Bench of this Court mentioning the fact that the informant was the eye witness to the alleged occurrence and he made specific allegation against the petitioner in respect of participation in the alleged occurrence. However, when deposition of the informant has been recorded, the informant deposing as P.W.9 did not name this petitioner as an assailant, though he named the other three co-accused persons, namely Dilip Yadav, Dinesh Yadav and Tarun Yadav as assailants. The informant while deposing as P.W.9 even failed to identify this petitioner. The informant further reiterated in his cross-examination that he did not see the petitioner either at the place of occurrence or at any place connected with the occurrence and he has no knowledge about the involvement of this petitioner in the occurrence directly or indirectly. The learned counsel further submits that apart from the informant, even the injured persons, namely Raju Yadav and Vijay Yadav did not name this petitioner



as an assailant. Rather they did not name even co-accused persons and were declared hostile. There was one more eye witness, namely Rajan Kumar, who also deposed in his examination-in-chief that he only identified co-accused Dinesh Yadav among those who were escaping and did not identify this petitioner. The learned counsel further submits that from the deposition of prosecution witnesses, there appears no case against the petitioner as the whole prosecution case is based on the statement of the informant. The co-accused person, namely Dilip Yadav has been granted bail by this Court vide order dated 19.09.2022 passed in Cr. Misc. No.66691 of 2021 and the case of the petitioner comes out on much better footing. The learned counsel further submits that in this case charges were framed on 19.02.2022, but till date, only eight prosecution witnesses have been examined out of ten witnesses. The learned counsel further submits that the petitioner is in custody since 29.05.2018.

5. Learned A.P.P. opposes the submission made on behalf of the petitioner. The learned APP submits that the prayer for bail of the petitioner was rejected thrice earlier and trial is at the fag end and the petitioner is one of the assailants in which a person lost his life and two persons suffered grievous injuries.

6. Perused the records.



7. Having regard to the facts and circumstances of the case and submissions made here-in-above and considering the deposition of prosecution witnesses including the informant, who did not name this petitioner though the petitioner was initially named in the FIR and further considering the slow pace of the trial and no likelihood of its conclusion in near future and further considering the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-X, Patna, in connection with Sessions Trial No. 624 of 2018, arising out of Gardanibagh P.S. Case No.176 of 2018, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable



to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

V.K.Pandey/-

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