

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49178 of 2024

Arising Out of PS. Case No.-779 Year-2022 Thana- BRAHMPUR District- Buxar

Raju Yadav @ Raj Kumar Yadav Son of Dharamdeo Yadav Resident of
village - Chakki Bhola Dera, P.S.- Brahmpur (Chakki O.P.), District - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aaditya Shankar Prasad, Advocate
	:	Ms. Dimpal Kumari, Advocate
For the State	:	Mr. Jitendra Kumar Singh, APP
For the Informant	:	Mr. Anil Roy, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-08-2024 Heard Mr. Aaditya Shankar Prasad, learned counsel
appearing for the petitioner through virtual mode, Mr. Jitendra
Kumar Singh, learned A.P.P. for the State and Mr. Anil Roy,
learned counsel appearing on behalf of the informant.

2. The petitioner seeks bail, who is in custody since
05.11.2022, in connection with Brahmpur (Chakki O.P.) P.S. Case
No. 779 of 2022, FIR dated 02.11.2022 for the offences punishable
under Sections 147, 148, 149, 447, 341, 323, 307, 427, 504 of the
Indian Penal Code and Section 27 of the Arms Act and later on
Sections 337, 338 and 302 of the Indian Penal Code was also
added.

3. Earlier the prayer for bail of the petitioner was
rejected vide order dated 26.07.2023 passed in Cr. Misc. No.



17919 of 2023.

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 there is case and counter case between the parties and after the rejection of the bail petition of the petitioner the trial is not in progress.

5. In view of the statement made in the bail petition, vide order dated 12.07.2024, a report with regard to the present status of the trial was called for. Report of the learned Trial Court dated 20.07.2024 reveals that out of nine charge-sheet witnesses, only two witnesses have been examined as yet.

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 05.11.2022.

7. Learned counsel for the informant as well as learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that from a bare perusal of the FIR it appears that there is direct and specific allegation against the petitioner that he has fired upon the victim and during the treatment the victim has died.

8. Considering the aforesaid facts as well as the report of the learned trial Court, let the, above named, petitioner 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 Chief Judicial Magistrate, Buxar in connection with Brahmpur (Chakki O.P.) P.S. Case No. 779 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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