

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41572 of 2024

Arising Out of PS. Case No.-467 Year-2020 Thana- KHAIRA District- Jamui

Kedar Yadav @ Kedar Prasad Yadav S/O Badho Yadav R/O Village- Than
Singh Dih, P.S- Cokai Nayanpur, Distt.- Giridih (JHARKHAND)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Pramod Kumar Ms. Diksha Kumari, Advocates
For the Opposite Party/s :		Mrs. Renu Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-08-2024 Heard Mr. N.K. Agrawal, learned Senior counsel for
the petitioner and Mrs. Renu Kumari, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
05.04.2024, in connection with Sessions Trial No. 274 of 2021
arising out of Khaira P.S. Case No. 467 of 2020, F.I.R. dated
02.11.2020 registered for the offences punishable under
Sections 147, 148, 149, 323, 376, 511, 379, 302, 120(B) of the
Indian Penal Code and Section 27 of the Arms Act.

3. Learned Senior counsel for the petitioner submits
that the petitioner has been granted bail by this Court vide order
dated 28.02.2022 passed in Cr. Misc. No. 40433 of 2021 and as
per condition in the aforesaid order, the petitioner is required to
appear on each and every date before the learned Trial Court



and failed to do so for two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned Trial Court itself.

4. Learned Senior counsel for the petitioner further submits that the petitioner could not appear in the present case due to reason that on 11.01.2024 petitioner could not appear physically in the learned Trial Court due to illness although he filed representation petition under Section 317 of the Cr. P.C. which was rejected on the ground that in the petition dated 10.01.2024 has been mentioned in place of 11.01.2024 which was clerical mistake but on the same day the learned Trial Court has been pleased to cancel the bail bond of the petitioner and process under Section 83 of the Cr. P.C. was issued and on 05.04.2024 the petitioner was arrested and produced in Court.

5. Learned Senior counsel for the petitioner further submits that the petitioner undertakes that he will appear in the present case on each and every date fixed by the learned Trial Court.

6. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries seven more cases other than the present one but fairly submits on the basis



of paragraph-3 of the bail petition that the petitioner is on bail in all the pending matters.

7. Considering the facts and circumstances of the case, 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 Additional Sessions Judge-I, Jamui in connection with Sessions Trial No. 274 of 2021 arising out of Khaira P.S. Case No. 467 of 2020, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be physically present in Court on each and every date fixed by the Court as the learned counsel for the petitioner has given an undertaking before this Court and on his absence on any date, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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