

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71161 of 2024

Arising Out of PS. Case No.-176 Year-2021 Thana- SAHEBPUR KAMAL District-
Begusarai

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Ramashish Yadav S/o- Doman Yadav Vill- Siraiya PS- Sahebpur Kamal Dist-
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Braj Bhushan Poddar, Advocate
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 04-10-2024 Heard learned Counsel for the Petitioner and learned
APP for the State.

2. Petitioner seeks regular bail in connection with S.T.
No. 1022 of 2023 arising out of S. Kamal P.S. Case No. 176 of
2021, dated 21.07.2021 registered for the offences punishable
under Sections 120B, 302, 147, 148, 149 and 354B of the Indian
Penal Code and under Section 07 of Arms Act.

3. Mr. Braj Bhushan Poddar, learned Counsel
appearing for the petitioner submits that this is the third attempt
of the petitioner to get the relief of the regular bail. His last
prayer was rejected vide order dated 19.04.2023 passed in Cr.
Misc. No. 15389 of 2023 and its analogous cases and by that
order, the prayer for bail made by two accused persons, namely,



Jai Krishan Kanahaiya @ Jai Kishan Kanhaiya @ Krishan Kanhiy and Jawahar Yadav was also rejected but they have been granted bail later on their third attempt and the case of the petitioner stands on similar footing with the said two co-accused.

4. It is further submitted that the another fresh ground of the petitioner is his custody period which has been about three years and co-accused, namely, Adarsh Kumar who allegedly fired at the leg of the deceased has also been granted bail by this Court vide order dated 02.08.2024 passed in Cr. Misc. No. 11838 of 2024 and its analogous cases. In this case, the petitioner stands on better footing from the said co-accused.

5. It is further submitted that the petitioner's trial is running and still some witnesses are yet to be examined which shows that in near future, the petitioner's trial is not going to be completed.

6. Learned APP appearing for the State has opposed the prayer for bail of the petitioner.

7. Considering the above submissions and mainly taking into account the petitioner's custody period and also the privilege of bail having been granted to the above-mentioned co-accused persons by this Bench coupled with the fact that the



petitioner has clean antecedent, this Court is now inclined to release him on bail. Accordingly, let the petitioner named-above be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with S.T. No. 1022 of 2023 arising out of S. Kamal P.S. Case No. 176 of 2021 on the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(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 his bail.

(iii) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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