

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6743 of 2023

Arising Out of PS. Case No.-7 Year-2017 Thana- BARH District- Patna

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Balram Yadav, S/O Bindeshwar Yadav, Resident of village- Jalalpur, P.S.-
Belchhi, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arvnendra Kumar Thakur, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 10-04-2024 Heard learned counsel for the petitioner and Mr.
Fahimuddin, learned APP for the State.

2. By filing this application, the petitioner has renewed his prayer for bail in connection with Barh P.S. Case No. 07 of 2017 registered for the offences punishable under Sections 302/34 of the Indian Penal Code read and Section 27 of the Arms Act. He has got four criminal antecedents and according to his statement in paragraph '3' of the petition, he is on bail in all those cases. He is in custody since 02.11.2020.

3. As per the prosecution story, on 08.01.2017 at about 08:00 AM, the informant was going with her husband on motorcycle and when she reached near Mahi Seva Sadan, her husband after seeing co-accused Anirudh Yadav, Pappu Yadav and Balram Yadav (this petitioner) turned his motorcycle but they all chased them by motorcycle. It is alleged that from the



front, co-accused Sadanand Yadav, Anirudh Yadav and Viveka Yadav stopped them and all the accused persons indiscriminately fired from their pistol as a result of which husband of the informant died on the spot.

4. On perusal of the earlier rejection order, it appears that what had led to the Court were the fact that this petitioner had not surrendered and had remained absconding for almost two years. This Court has noticed that co-accused Arvind Yadav and Viveka Yadav have been granted bail in Cr. Misc. No. 27729 of 2019. Another co-accused Pappu Yadav has also been granted bail in Cr. Misc. No. 60647 of 2019 by learned Co-ordinate Bench of this Court.

5. This Court having taken note of the kind of allegations and grant of bail to the co-accused made an observation in its order dated 30.07.2021 as under:-

“If the trial remains unconcluded for a period of two years of custody of the petitioner for no reason attributable to the petitioner, he may renew his prayer for bail.”

6. The learned trial court's report is saying that in this case, charge was framed on 13.04.2022 and the prosecution produced only witness on 12.07.2022. Thereafter, the prosecution is not producing any witness even as the court has issued summon and bailable warrant against them.



7. Mr. Fahimuddin, learned APP for the State has though opposed the prayer for regular bail of the petitioner but considering the submission that there is no specific allegation against the petitioner and the co-accused have been granted bail by learned Co-ordinate Benches of this Court, this petitioner has remained in custody for about three and half years approximately but the trial is not likely to be concluded in near future, this Court directs release of the petitioner on bail in connection with Sessions Trial No. 502A of 2018 arising out of Barh P.S. Case No. 07 of 2017 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 1st, Barh, Patna, subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

8. 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.



9. And further condition that in course of trial, the petitioner shall keep on presenting himself before the learned trial court on the date fixed in the matter and shall co-operate with the trial. If he remains absent on two consecutive dates without there being any cogent reason, the trial court shall take appropriate steps for cancellation of his bail bond.

10. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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