

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83742 of 2023

Arising Out of PS. Case No.-90 Year-2020 Thana- ISMAILPUR District- Bhagalpur

Naresh Yadav Son Of Bisheshwar Yadav Resident Of Village- Bendehara,
P.S.- Pasraha, District- Khagaria Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 04-07-2024 Heard Mr. Rajesh Kumar Pandey, learned counsel

for the petitioner and Mr. Bhanu Pratap Singh, learned

Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
27.07.2023 in connection with Ismailpur P.S. Case No. 90 of
2020, F.I.R. dated 17.11.2020 for the offences punishable under
Section 302 of the Indian Penal Code and Sections 25(1-B)a, 26,
35 and 27 of the Arms Act.

3. According to prosecution case, some unknown
persons have murdered the nephew of the informant.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that petitioner is not named in
the F.I.R and the name of the petitioner has been transpired
during investigation and it has come during investigation that
one co-accused, namely, Tufani Yadav has fired upon the victim



and the petitioner was also present at the time of occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 27.07.2023.

5. Vide order dated 03.04.2024 a report was called with regard to the present stage of trial. Report of the learned Trial Court dated 19.04.2024 reveals that the charge has been framed against the petitioner and out of 8 charge sheet witnesses the prosecution has not examined any witnesses as yet.

6. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court the trial is not likely to be concluded in the near future and the petitioner is in custody since 27.07.2023.

7. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries seven criminal antecedents 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 six cases out of seven.

8. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of the learned Additional District & Sessions Judge 1st, Naugachia, Bhagalpur in connection with Ismailpur P.S. Case No. 90 of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

iii. 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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