

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.85354 of 2023**

Arising Out of PS. Case No.-344 Year-2019 Thana- RANIGANJ District- Araria

Bipin Yadav @ Bipin Kumar son of Bacho Yadav @ Bachcalal Yadav  
Village- Belsara Ps- Raniganj Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Alok Kumar Singh  
For the Opposite Party/s : Mr. Bharat Bhushan

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

3      09-02-2024                      Heard learned counsel for the petitioner and  
learned APP for the State.

2. The petitioner seeks bail in a case registered for  
the offence punishable under Sections 302/34 of the Indian  
Penal Code and Section 27 of the Arms Act.

3. This is the third attempt of the petitioner for grant  
of regular bail. Earlier the bail was rejected twice by this Court  
vide order dated 06.01.2021 passed in Cr. Misc. No. 30227 of  
2020 and vide order dated 09.11.2022 passed in Cr. Misc. No.  
58382 of 2022, with a liberty to the petitioner to renew his  
prayer for bail, if the trial is not concluded with the stipulated  
period

4. As per the prosecution case, on 25.09.2019  
informant's brother along with villager Paltan Yadav went to



Sanjay Yadav's house at Belsara, Raniganj to invite to participate in funeral of his father. On same day the informant got a call at about 2:00 P.M. from Belsara that Bipin Yadav had been shot at Sanjay's Yadav door. When the informant reached the place of occurrence, he found his brother dead due to shot arms. Paltan Yadav, who came with the informant's brother, said that when we came at Sanjay's Yadav door an unknown person was sitting with Bipin Yadav at the door. Bipin Yadav asked for the name of Santosh Yadav (the deceased) and shot to the Santosh Yadav in front of him.

5. Vide order dated 05.01.2024, a report was called for from the learned Court below regarding the stage of trial and the time likely to be taken in conclusion of the trial. In compliance thereof, a report dated 19.01.2024 has been sent by the learned Additional District Judge-IV, Araria, which is kept on record. In his report, the learned Judge has, *inter alia*, stated that there are total five charge-sheet witnesses and out of those witnesses one witness has been examined and rest four witnesses are yet to be examined.

6. Learned counsel for the petitioner submits that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case. The



allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has two criminal antecedents and has been languishing in custody since 12.10.2019 about four years and four months.

7. Learned APP for the State opposed the bail petition.

8. Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Raniganj P.S. Case No. 344 of 2019 subject to the following conditions :

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(iii) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court



concerned.

(iv) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(v) The petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

**(Anjani Kumar Sharan, J)**

anand/-

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