

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2568 of 2025

Arising Out of PS. Case No.-143 Year-1993 Thana- NAUBATPUR District- Patna

Suraj Prasad Yadav @ Suraj Kumar @ Suraj Prasad @ Suraj Yadav S/O
Ramanand Yadav R/O- Danara ,Nijampur Tola, P.S.- Bikram , District- Patna
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Gagan Deo Yadav, Advocate Mr. Vinod Kumar, adv Mr. Rajesh Kumar, Advocate
For the Opposite Party/s :	Mr. Ganesh Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 15-04-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with Naubatpur P.S. Case No. 143 of 1993, instituted for the offences punishable under Section 307 of the Indian Penal Code read with Sections 25(1-a) and 27 of the Arms Act.

3. The prosecution case, in short, is that, during Moorti Visarjan at Naubatpur Market, one unknown miscreant opened fire and fled away, leaving behind his vehicle and pistol. Police identified him as the petitioner based on the statement of local people.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the



present case. The present case is misuse of privilege of bail earlier granted to the petitioner. Earlier the petitioner was granted bail in the year 1995. Bail bond of the petitioner was cancelled on 22.05.2000 and due to continuous absence of accused, process under Section 83 of Cr.P.C. was issued against the petitioner. It is further submitted that on 24.12.2018 and on 27.02.2020 fresh non-bailable warrant has been issued against the petitioner. On 22.06.2022 and on 07.12.2022 process under Section 82 of Cr.P.C. has been issued against the petitioner. Thus, there is misuse of privilege of bail for twenty five years. Learned counsel for the petitioner further submitted that petitioner undertakes to abide by any conditions imposed by this Court, if released on bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. As per report dated 20.02.2025 sent by the learned Court below, it appears that out of six charge-sheeted witnesses only one witness has been examined, cross-examined and discharged.

7. Considering the aforesaid facts and circumstances of the case, taking into account the period of custody undergone by the petitioner and present stage of the trial as also



undertaking given by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Naubatpur P.S. Case No. 143 of 1993, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner is found involved in similar nature of offence in future, the Trial Court will have the liberty to cancel the bail bonds of the petitioner.

(IV) 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.

(Rudra Prakash Mishra, J)

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