

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16880 of 2025

Arising Out of PS. Case No.-119 Year-2019 Thana- BARACHATTI District- Gaya

Surendra Yadav Son of Late Bandhu Yadav @ Bandhaw Yadav Resident of
village- Somiya, PS- Barachatti , District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-03-2025 Heard Mr. Sanjay Kumar Sharma, learned counsel
for the petitioner and Mr. Bharat Lal, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
15.10.2024, in connection with Barachatti P.S. Case No. 119 of
2019, F.I.R. dated 14.03.2019 registered for the offences
punishable under Section 396 of the Indian Penal Code and
Sections 25(1-b)a/26/35 of the Arms Act.

3. The prosecution case, in brief, is that on 14.03.2019
when the informant was returning to his house, he heard the
sound of firing and rushed towards his house and found his
father lying on floor dead due to firearm injury.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that the petitioner is not named



in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused person namely Sitabi Paswan and Sitabi Paswan who has named the petitioner has been granted bail by a Coordinate Bench of this Court vide order dated 30.08.2019 passed in Cr. Misc. No. 40630 of 2019. He further submits that similarly situated co-accused person namely Babu Ram Prasad @ Nanhaku @ Nanhak @ Ajit has been granted bail by a Coordinate Bench of this Court vide order dated 23.08.2019 passed in Cr. Misc. No. 50892 of 2019, another co-accused person namely Upendra Paswan has been granted bail by this Court vide order dated 20.06.2023 passed in Cr. Misc. No. 72431 of 2022. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 15.10.2024.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case pertaining to N.D.P.S. Act but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the facts and circumstances of the case



and the fact that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused person and co-accused person as well as similarly situated co-accused persons have been granted bail by this Court or by a Coordinate Bench of this Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Sherghati, Gaya in connection with Barachatti P.S. Case No. 119 of 2019, subject to the following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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