

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36234 of 2025

Arising Out of PS. Case No.-219 Year-2024 Thana- GAMAHARIYA District- Madhepura

Pramod Yadav @ Pramod Kumar Yadav Son of Late Biranchi Yadav @ Late Birenchi Yadav Resident of village- Prabha, Parawaha ward no 2, Kaurihar, PS- Gamhariya, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate
		Mr. Pawan Kumar, Advocate
For the State	:	Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 01-08-2025 Heard Mr. N.K. Agarwal, learned senior counsel for the petitioner and Md. Aslam Ansari, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 19.11.2024 in connection with Gamhariya P.S. Case No. 219 of 2024, F.I.R. dated 20.10.2024 for the offences punishable under Section 103(1), 238, 61(2) of the IPC and Section 27 of the Arms Act.

3. According to prosecution case, the petitioner along with other co-accused persons is said to have killed the son of the informant and dead body of the informant's son was found near the bank of Parwaha road.

4. Learned senior counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the FIR itself



that the informant is not an eye witness of the alleged occurrence and petitioner has been made accused in the present case on the basis of suspicion. It is further submitted that during investigation, the confessional statement of the co-accused person, namely, Pritam Kumar was recorded on 23.03.2025 in which he has specifically stated that co-accused, namely, Ram Kumar Paswan has shot fired upon the deceased and he has not stated anything about the petitioner in his confessional statement. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 19.11.2024.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that petitioner is named in the FIR and apart from that the petitioner carries eight more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail application that out of eight cases, the petitioner is on bail in five cases and in three cases, he has been acquitted by the learned Trial Court.

6. Considering the aforesaid facts and circumstances, co-accused, namely, Pritam Kumar, in his confessional statement has not stated anything about the petitioner rather he has stated that co-accused, namely, Ram Kumar Paswan has fired upon the deceased, 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 C.J.M, Madhepura in connection with Gamhariya P.S. Case No. 219 of 2024, 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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