

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49960 of 2025

Arising Out of PS. Case No.-246 Year-1992 Thana- GOPALGANJ TOWN District-
Gopalganj

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Buchun Yadav S/o Late Fauji Yadav R/o Village- Sarafra, P.S.- Barauli,
District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Javed Aslam, Adv.
For the Opposite Party/s : Mr.Pronoti Singh, APP

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

ORAL ORDER

4 14-10-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 150 of 2010 arising out of Gopalganj (Yadavpur) P.S. Case No. 246 of 1992 instituted for the offences under Sections 147, 148, 149, 307, 353 of the Indian Penal Code.

3. As per prosecution case, the police, on receipt of secret information, reached at the place of occurrence. On seeing the police party, the miscreants started firing. The police also fired whereafter the miscreants started fleeing from there leaving a boy. On being asked, the boy disclosed that the miscreants kidnapped him on 01.07.1992 from his house and



also disclosed his name as Khurshid Ahmad.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner was neither apprehended on the spot nor anything incriminating has been recovered from his conscious possession. The name of the petitioner has surfaced in this case in course of investigation merely on the basis of suspicion and without any sufficient evidence. The petitioner has four criminal antecedents and is languishing in judicial custody since 11.02.2025 without any rhymes or reason.

5. The present case is misuse of privilege of bail earlier granted to the petitioner. Learned counsel for the petitioner submits that the petitioner was granted bail on 17.04.1993 but, due to laches on the part of the prosecution, there was no progress in the trial whereafter the petitioner went outside the state for earning his livelihood. The *pairvikar* of the petitioner unfortunately leave to make *pairvi* since 08.11.2014 as a result of which the learned court below cancelled the bail bond of the petitioner and issued non-bailable warrant against the accused persons including the petitioner. Thereafter, process under Sections 82 and 83 of the Cr.P.C. was issued against the



petitioner. It is further submitted that on 20.06.2017, the petitioner was declared absconder and on 11.02.2025, he was arrested and, since then, he is in custody. It is further submitted that the mistake is not caused deliberately rather the same is caused inadvertently due to non-communication about the case by his *pairvikar*. Learned counsel for the petitioner further submits that the petitioner undertakes to abide by any terms and conditions as is imposed by this Court, if released on bail.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Pursuant to the order of this Court, the learned court below has sent report dated 11.09.2025 regarding present stage of trial, stating therein that the case record of the petitioner has been splitted from the original record (Session Trial No. 150/2010) on 18.08.2025 and the charge has been framed against the accused persons on 02.09.2025. No witness has been examined till date.

8. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner, the report sent by the learned court below as also the undertaking given by the petitioner, let the petitioner, abovenamed, be released on bail on



furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sessions Trial No. 150 of 2010 arising out of Gopalganj (Yadavpur) P.S. Case No. 246 of 1992, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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