

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82217 of 2024

Arising Out of PS. Case No.-153 Year-2022 Thana- BUXAR MUFFASIL District- Buxar

Sangram Yadav Son of Late Khuti Yadav Village -Lalganj PS- Buxar Muffasil
District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shankar Kumar, Advocate
For the Informant	:	Mr. Digvijay Kumar Ojha, Advocate
For the State	:	Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 02-05-2025 Heard Mr. Shankar Kumar, learned counsel for the
petitioner, Mr. Digvijay Kumar Ojha, learned counsel for the
Informant and Mr. Narsingh Tanti, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
28.04.2022, in connection with Sessions Trial No. 61 of 2023
arising out of Buxar (Muffasil) P.S. Case No. 153 of 2022, F.I.R.
dated 19.04.2022 registered for the offences punishable under
Sections 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

3. Earlier the prayer for bail of the petitioner was
rejected vide order dated 31.01.2024 passed in Cr. Misc. No.
65320 of 2023 by a Coordinate Bench of this Hon'ble Court.

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 as allegation in the F.I.R. the petitioner and other co-accused persons have fired upon the informant's brother and as per postmortem report three entry wounds were found on the body of the informant's brother and doctor opined that cause of death haemorrhage and shock due to *ante-mortem* wounds caused by fire-arm. Learned counsel for the petitioner further submits that from perusal of the F.I.R. it transpires that due to admitted land dispute the present occurrence had taken place and similarly situated co-accused persons namely Neeraj Yadav @ Niraj Yadav and Bateshwar Yadav against whom the allegation that they have also fired upon the victim have been granted bail by this Court vide order dated 19.04.2023 passed in Cr. Misc. No. 57211 of 2022 and analogous case, another similarly situated co-accused persons namely Halchal Yadav and Yashwant Yadav have been granted bail by a Coordinate Bench of this Court vide order dated 31.07.2023 and order dated 04.12.2023 passed in Cr. Misc. No. 36738 of 2023 and Cr. Misc. No. 76978 of 2023 respectively.

5. Learned counsel for the Informant as well as learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that from perusal of the F.I.R. it transpires that there is direct and specific allegation against the petitioner that he fired upon the victim along with other co-accused persons and



apart from that petitioner carries three more cases other than the present one.

6. Vide order dated 18.01.2025, a report was called for with regard to the present stage of the trial. Report dated 01.03.2025 of the learned Trial Court reveals that out of ten chargesheeted witness, only three witnesses have been examined and the case is pending for the examination of rest seven prosecution witnesses.

7. Learned counsel for the petitioner submits that in view of the report of the learned Trial court, there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 28.04.2022 as well as similarly situated co-accused persons have also been granted bail by this Court or by a Coordinate Bench of this Court.

8. Considering the facts and circumstances of the case as well as period of custody and the report of the learned Trial 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 Sessions Judge-2, Buxar in connection with Sessions Trial No. 61 of 2023 arising out of Buxar (Muffasil) P.S. Case No. 153 of 2022, 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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