

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85881 of 2024

Arising Out of PS. Case No.-125 Year-2023 Thana- RUPAULI District- Purnia

Sushil Yadav @ Shusil Yadav S/O Bhola Yadav Resident of Village- Jangal
Tola P.S.- Rupauli (Mohanpur), Dist.- Purnia.

... .. Petitioner/s

Versus

The State of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-01-2025 Heard Learned Counsel for the petitioner and Learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Sessions Trial No. 31 of 2024 arising out of Rupauli
(Mohanpur) P.S. Case No. 125 of 2023 lodged on 07.05.2023,
for the offences punishable under Sections 302, 386 & 120(B)
of the Indian Penal Code read with section 27 of the Arms Act.

3. As per the prosecution, FIR has been lodged against
9 named accused persons including the present petitioner
alleging therein that the accused persons nine in number, have
reached at the house of the informant, surrounded his house and
started demanding ransom, due to this reason, scuffling started
and all the accused persons assaulted the brother of the
informant and fired on his thigh, as a result of which, he got
injured. Subsequently, he was taken to the hospital where the
doctor declared him dead.



4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that there is general and omnibus allegation against accused persons. Counsel further submits that other co-accused persons have been granted bail by this Court *vide* order dated 09.08.2024 passed in Cr. Misc. Nos. 22922 of 2024 & 25098 of 2024 respectively. Counsel submits that the criminal antecedent of the petitioner is not clean as there are seven criminal cases pending against him. The petitioner is in custody since 15.05.2023 in the present case and is ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that co-accused person who has been granted bail by this Court has four criminal antecedent, whereas, present petitioner has seven criminal antecedent. Counsel further submits that charge has already been framed and trial has commenced.

6. In the present facts and circumstances of this case, let the petitioner above named be granted bail as well as on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose details are mentioned below, and on furnishing bail bonds of



Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of 2nd Additional Sessions Judge, Purnea in connection with Sessions Trial No. 31 of 2024 arising out of Rupauli (Mohanpur) P.S. Case No. 125 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the condition that petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself.

7. Pending cases against the petitioner are as follows:-

- Rupauli P.S. Case No.93 of 2023
- Rupauli P.S. Case No.91 of 2022
- Rupauli (Mohanpur) P.S. Case No.53 of 2023
- Rupauli P.S. Case No.292 of 2022
- Rupauli (Mohanpur) P.S. Case No.122 of 2022
- Rupauli (Mohanpur) P.S. Case No.101 of 2022
- Rupauli P.S. Case No.293 of 2023.

(Dr. Anshuman, J)

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