

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88893 of 2024

Arising Out of PS. Case No.-167 Year-2023 Thana- VIJAYEPUR District- Gopalganj

Birbal Yadav Son of Bhikhari yadav Resident of Mathiya Lala, P.S.- Vijaipur,
District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepankar Raj, Advocate
For the State : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 31-01-2025 Heard Mr. Deepankar Raj, learned counsel for the

petitioner as well as Md. Aslam Ansari, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
27.06.2023, in connection with Vijayepur P.S. Case No.
167/2023, FIR dated 26.06.2023 registered for the offence under
Sections 147, 148, 149, 302, 307, 323, 324, 325, 341, 427 and
120(B) of the Indian Penal Code.

3. Earlier the prayer for bail of the petitioner was
rejected vide order dated 10.04.2024 passed in Cr. Misc. No.
6109/2024.

4. Learned counsel for the petitioner submits that
the petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the



allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that as per the allegation in the FIR the petitioner has assaulted with spare to the brother of the informant. He further submits that other accused persons, namely, Amrendra Yadav against whom the allegation that he has also assaulted with the bamboo upon the deceased has been granted bail by this Court vide order dated 28.06.2024 passed in Cr. Misc. No. 24153 of 2024 and some of other accused persons have also been granted bail by co-ordinate Bench of this Hon'ble Court. The petitioner is rotting in judicial custody since 27.06.2023.

5. Vide order dated 10.01.2025, a report with regard to the present status of the trial was called for. Report of the learned Trial Court dated 20.01.2025 reveals that charge has been framed against the petitioner and only one charge-sheet witness has been produced and examined by the prosecution as yet.

6. Learned counsel for the petitioner submits that in view of the report of the learned trial Court that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 27.06.2023 more than one and a



half year.

7. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that it appears from the FIR that there is direct and specific allegation against the petitioner that he has assaulted with spare to the brother of the informant.

8. Considering the facts and circumstances of the case as well as the report of the trial Court and the period of custody, let the, above named, petitioner 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 learned District and Additional Sessions Judge-XII, Gopalganj in connection with Vijayepur P.S. Case No. 167 of 2023 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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