

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26936 of 2019

Arising Out of PS. Case No.-35 Year-2018 Thana- CHAINPUR District- Kaimur (Bhabua)

ANIL YADAV, aged about 40 years, (Male), Son of Vijay Yadav @ Vijay Narayan Singh @ Vijay Naray Singh, Resident of Village- Birna, Police Station- Chainpur, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dr. Amrendra Kumar, Adv. Mr. Vinod Kumar Seth, Adv.
For the Informant	:	Mr. Kumar Sunil, Adv.
For the Opposite Party/s	:	Mr.Nand Kishore Prasad (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 25-04-2019 Heard learned counsel for petitioner, counsel for the informant as well as learned counsel for the State.

Petitioner, who is in custody, seeks bail registered for the offences punishable under Sections 448, 384, 386, 307, 504, 506/34 of the Indian Penal Code and Sections 27 of the Arms Act.

Informant has alleged in written complaint that on 17.02.2018 at about 9:00 P.M. when he was in his cloth shop in the meantime F.I.R. named accused including petitioner came on two motorcycles and demanded a ransom of Rs. Five lacs and when he protested all the four accused took out pistol from their waist and made blank firing and threatened that if ransom is not paid he will be killed.



It has been submitted on behalf of the petitioner that he is innocent and has committed no offence. He has been falsely implicated in this case. Specific allegation of firing against Gopal Yadav and his son Badam Yadav, however same did not hit on him. Neither any ransom was paid nor any one sustained injury. Petitioner had earlier moved this court for grant of regular bail which was rejected vide order dated 22.11.2018 passed in Cr. Misc. No. 63372 of 2018 with a liberty to renew his prayer for bail after remaining nine months in jail custody. It has been submitted on behalf of petitioner that he is in custody since 30.06.2018 for more than nine months.

It has been submitted on behalf of counsel for the informant that the other accused who are named in the F.I.R. their bail petition has been rejected by co-ordinate bench of this court vide order dated 04.10.2018, 20.11.2018 and 06.03.2019 passed in Cr. Misc. No. 55472 of 2018, Cr. Misc. No. 64409 of 2018 and Cr. Misc. No. 13194 of 2019 respectively. He has vehemently opposed the grant of bail of the petitioner. Petitioner has criminal antecedent and as such he should not be granted privilege of bail.

Under facts and circumstances of the case, let the petitioner named above be released on bail



upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VIII, Kaimur at Bhabua, in connection with S.Tr. No. 281 of 2018 corresponding to Chainpur P.S. Case No. 35 of 2018, subject to conditions:

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) 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 Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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