

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77985 of 2018

Arising Out of PS. Case No.-266 Year-2018 Thana- KHAJANCHI HAT District- Purnia

Rahul Yadav @ Rahul Kumar Yadav S/o Bal Kishore Yadav @ Balkishore Kumar, R/o Housing Colony, HLR 86, P.S. -K . Hat, District- Purnea, Permanent Address - Hingua Lakshmipur, P.S.- Bhargama, District- Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Jha, Adv.

For the Opposite Party/s : Mr.Smt Indu Kumari Srivastava (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 22-01-2019 Heard learned counsel for petitioner and learned counsel for the State.

Petitioner, who is in custody, seeks bail in connection with K. Hat (Sahayak) P.S. Case No. 266 of 2018 registered for the offences punishable under Section 399 of the Indian Penal Code and Section 27 of Arms Act.

Informant has alleged that while his maternal cousin brother was coming after closing his shop he was intercepted by two unknown miscreants in his way and 3-4 shots were fired on his leg as a result of which he fell down on the ground in unconscious state with his motorcycle and they also snatched away the bag containing valuables and key of the shop.



It has been submitted on behalf of the petitioner that F.I.R. is against unknown and he has been implicated in this case only on the basis of self-confession and remanded in this case from K. Hat P.S. Case No. 277 of 2018. No looted articles have been recovered from his possession and he has not been put on T.I.P.. Chargesheet has already been submitted against the petitioner. It has been further submitted that similarly placed co-accused Kundan Kumar Yadav @ Kundan Yadav has been granted bail by co-ordinate bench of this court passed in Cr. Misc. No. 66127 of 2018 vide order dated 06.11.2018. Petitioner is in custody since 05.06.2018.

Considering the aforesaid fact 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 C.J.M., Purnea, in connection with K. Hat (Sahayak) P.S. Case No. 266 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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