

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28651 of 2020

Arising Out of PS. Case No.-22 Year-2018 Thana- MAHINDWARA District- Sitamarhi

ABHAY KUMAR YADAV @ ABHAY KUMAR RAI, Son of Surendra Yadav @ Surendra Ray, Resident of Village - Pokhari, P.S.- Tariyani, District - Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Prasad Singh

For the Opposite Party/s : Mr.B.N. Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-12-2020 Heard learned counsel for the petitioner and learned APP for the State through virtual court proceedings.

The petitioner seeks bail in a case registered for the offence punishable under Sections 386, 387/34 of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case in brief is that the informant alleged that the road work of M.S.R.S. Construction was going on from Janarchouk to Ramnagar and the informant is partner in the said company. It is alleged that on 19.12.2018 a call came on mobile of the informant demanding Rangadari of estimated 10%. It is further alleged that again on 21.12.2018 unknown persons of two motorcycles came on the side and started committing Mar-Pit with labourers. They also snatched mobile with some of the



labours and fled away.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The alleged mobile does not belong to the petitioner. And the petitioner is not named in the FIR. The petitioner is made accused on the basis of confessional statement of co-accused Muna Kapar. The said co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 24.06.2020 passed in Cr. Misc. No. 7202/2020. He further submits that the petitioner has not been T.I. Parad till date. The petitioner is in custody since 15.11.2019. Charge sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner.

Learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail **after framing of the charge** on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Mahindwara P.S. Case No. 22/2018 to the satisfaction of the learned A.C.J.M.-IV, Sitamarhi, subject to the following conditions:

(1) One of the bailors will be his own blood



relative, preferably, father, mother brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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