

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10888 of 2021**

Arising Out of PS. Case No.-35 Year-2018 Thana- KAUWAKOL District- Nawada

SAKINDRA YADAV @ SAKO YADAV Son of Arjun Yadav Resident of
Village - Bhaluana, P.S.- Chandradeep, Dist.- Jamui.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Yogendra Kumar,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 08-09-2021 Heard learned counsel for the petitioner and Mr.
Yogendra Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Kauwakol (Rupau) P.S. Case No. 35 of 2018 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 504, 384, 379 of the Indian Penal Code and Section 27 of the Arms Act. He is in custody since 25.11.2019 (seems to have been wrongly typed in the impugned order as 25.11.2020).

As per the prosecution story, while the tractor of the informant was being loaded with soil for filling a ditch near his house, 9 named accused persons came there in police uniform started abusing and assaulting the labourers engaged in loading of soil and took away the tractor with the driver towards the forest area. They snatched the mobile and demanded a rangdari for loading the soil.

Learned counsel for the petitioner submits that from the FIR itself it appears that the tractor of the informant was found in the forest and he brought the same to his house. The allegation against all the named accused are general and omnibus. The prayer for bail of the petitioner has been rejected by learned court below on the ground of his criminal antecedents.

Learned counsel submits that although in the petition in paragraph '3', the petitioner has declared only four cases but later on he has filed a supplementary affidavit on 04.09.2021 in which he has declared the three other cases which are Chandradeep P.S. Case No. 70 of 2014, Kauwakol (Rupau) P.S. Case No. 58 of 2015 and Kauwakol (Rupau) P.S. Case No. 72 of 2018.

Learned counsel submits that while the petitioner has been taken on remand in Chandradeep P.S. Case No. 70 of 2014 and Kauwakol (Rupau) P.S. Case No. 72 of 2018 but he has not been taken on remand in Kauwakol (Rupau) P.S. Case No. 58 of 2015. He has, however, applied for the same.

So far as the four cases stated in paragraph '3' are concerned, the petitioner is said to be on bail and his prayer for bail is pending in Kauwakol (Rupau) P.S. Case No. 72 of 2018.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but submits that the allegations are general and omnibus and co-accused similarly

situated have been granted bail by learned Co-ordinate Benches of this Court in Cri. Misc. No. 76326 of 2019 and Cri. Misc. No. 30016 of 2019.

Considering the facts and circumstances of the case wherein this Court has noticed that so far as the present case is concerned, allegations are general and omnibus and the petitioner seems to be similarly situated with the co-accused who have been granted bail, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. IV, Nawada in connection with Kauwakol (Rupau) P.S. Case No. 35 of 2018, subject to the conditions as laid down under Section 437(3) Cr.P.C.

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.

And further condition that considering the criminal antecedents of the petitioner, it is ordered that henceforth till conclusion of the trial in the present case, the petitioner shall

attend and mark his attendance with the S.H.O. of Chandradeep Police Station in the district of Jamui at least once in every two months and shall furnish his place of residence, mobile number and all connected informations to the S.H.O. If he is required to go outside the jurisdiction of the police station for staying outside in connection with his employment or any other work for a longer period, the same will be informed to the S.H.O. Any failure on the part of the petitioner in abiding by the condition shall invite action towards cancellation of his bail bond. The S.H.O. of Chandradeep Police Station in the District of Jamui shall immediately bring it to the notice of the learned court below where the case is pending.

Let the order be communicated through fax to S.P. Jamui and S.P. Nawada for necessary action particularly with regard to the cases lodged against the petitioner in Kauwakol Police Station.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.