

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30464 of 2021**

Arising Out of PS. Case No.-511 Year-2019 Thana- BODHGAYA District- Gaya

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KAPIL YADAV Son of Satendra Yadav @ Satyendra Yadav Resident of
Village - Shrirampur, Police Station - Fatehpur, District - Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Gajendra Kumar Singh, Adv. Mr.Manish Kumar No.2, Adv.
For the Opposite Party/s	:	Mr.Jai Narain Thakur, APP
For the Informant	:	Mr.Sheikh Arkan Ahmad, Adv.

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 22-09-2021 Heard the parties through virtual court proceedings.

Vide order dated 25.08.2021, an express reminder was directed to be sent for transmitting a report regarding the stage of trial in this case.

In compliance thereof, a report kept at Flag 'R' dated 21.08.2021 has been sent by the learned Additional District and Sessions Judge-X, Gaya, whereby, it has been submitted that three out of five accused persons are on bail and accused Santosh Prasad @ Santosh Yadav and Kapil Yadav are in judicial custody. The case is fixed for framin of charge on 27.08.2021.

Petitioner seeks bail in connection with Bodhgaya P.S. Case No.511/2019, registered for the offence punishable u/s



396 of the IPC and section 27 of the Arms Act.

Learned counsel for the petitioner stated before the Bar that the charge has been framed against the petitioner. He further submits that two similarly situated co-accused has been granted bail vide Cr. Misc. No.30600/2020 dated 24.11.2020 and Cr. Misc. No.31234/2020 dated 08.01.2021. The petitioner is in custody since 02.12.2019 and has no criminal antecedent (as per para-3 of the bail application), as such, he may be enlarged on bail.

Learned counsel for the Informant and learned APP for the State opposed the prayer for bail and submits that on the confessional statement of the petitioner, recovery is made in the present case.

Considering the period of custody of the petitioner having no criminal antecedent and the fact that no T.I. Parade has been held till date, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 1,00,000/- (Rupees One Lakh) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Bodhgaya P.S. Case No.511 of 2019. The petitioner shall deposit Rs.1,00,000/- (Rupees One Lakh) cash in the court below and the same shall



be abide by the final outcome in the trial i.e. if the petitioner is acquitted the said amount of Rs. One Lakh shall be refunded in favour of the petitioner, otherwise it shall be forfeited. The grant of bail of the petitioner is further subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the 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 and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) It is directed that after release the petitioner will have to appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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