

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4954 of 2021

Arising Out of PS. Case No.-367 Year-2004 Thana- NAUGACHIA District- Bhagalpur

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ARUN YADAV SON OF DEVO YADAV VILL USMANPUR P S KHARIK
DISTRICT BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amrendra Kumar

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 28-06-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of bail in a case registered for the offence punishable under sections 147, 148, 149, 323, 379, 364 of the Indian Penal Code and 27 of the Arms Act.

As per prosecution case, on 03.10.2000 at about 6.00 a.m. the petitioner along with 16 persons armed with riffle, pistol and Masket surrounded the informant, made indiscriminate firing and thereafter robbed the properties and cash kept in the house. It is further alleged that the informant and one Ganesh Yadav were kept in captivity for killing them but on receiving information that Kharik police is behind them



the accused persons escaped from the place of captivity but Kharik police did not lodge any case and thereafter on 12.10.2000, a complaint case being Complaint Case no. 248 of 2000 was filed which came to be registered as Naugachia (Kharik O.P) P.S. Case no. 367 of 2004 on 07.10.2004.

It is submitted that there is general and omnibus allegation and no overt-act has been alleged against the petitioner.

Counsel for State opposed the bail and submitted that Petitioner never appeared before the court after institution of the case. Cognizance was taken on 28.02.2013 and the petitioner remained absent for seven years after institution of the case.

Considering the fact that petitioner has clean antecedent and is in custody since 21.09.2020 and charge sheet has already been submitted, this bail application is allowed. Let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the ADJ II, Naugachia, Bhagalpur in Sessions trial no. 299 of 2017/371 of 2013 arising out of Naugachia/Kharik P.S. Case no. 367/2004 on the following conditions.

(1) 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 the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

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

(Prabhat Kumar Singh, J)

s.hassan/-

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