

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7078 of 2021**

Arising Out of PS. Case No.-88 Year-2011 Thana- AMAS District- Gaya

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AJAY YADAV SON OF SRI SHIV YADAV @ BINDESHWAR PRASAD
RESIDENT OF VILLAGE MAHADEVSTHAN P.S- GURUA DISTT-
GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Lilawati Singh, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

3 16-06-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Amas P.S. Case No.88 of 2011 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 379, 384, 386, 435, 427 and 120(B) of the Indian Penal Code, Section 27 of the Arms Act, Section 17 of the Cr.L.A. Act and Section 13 of ULAP Act.

Learned counsel for the petitioner submits that although the petitioner is named in the FIR but he has not been made accused either by the informant or by any witness. The alleged occurrence has



been reportedly committed by 25 named accused in the FIR and 10-15 other unknown. It is his further submission that the name of the petitioner has been incorporated in the FIR by police only on seeing the criminal cases pending against him and he has been remanded in this case on 07.03.2020. It is further submitted that the several co-accused similarly situated have been granted bail by different Hon'ble Benches of this Court through various orders enclosed as Annexure-2 series.

Although learned APP for the State has opposed the prayer for bail but on going through the report of the learned court below as contained in letter no.55/21 it appears that the petitioner has been remanded in this case on 07.03.2020 and record is pending for final form and charge-sheet has yet not been submitted till the date of said report i.e. 07.05.2021, considering this aspects of the matter that till date charge-sheet has not been submitted, let the petitioner above named be released on bail on furnishing bail bond 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., Sherghati, Gaya in connection with Amas P.S. Case No.88/2011, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission



of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

(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'.

