

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8915 of 2021

Arising Out of PS. Case No.-299 Year-2020 Thana- KORHA District- Katihar

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1. Raj Kumar Yadav @ Raj, Son of Balla Yadav, Resident of Naya Tola Jurabganj, Police station - Korha, District - Katihar.
 2. Sintu Yadav, Son of Khanna Yadav @ Rajesh Yadav, Resident of Naya Tola Jurabganj, Police Station - Korha, District - Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Babita Kumari, Advocate

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 12-08-2021 The matter has been placed under the heading “To Be Mentioned” today.

In compliance of the order dated 28.07.2021 passed earlier, the counsel for the petitioners has filed a supplementary affidavit placing on record the details of the court, to the satisfaction of which the bail bonds have to be submitted. The counsel has also filed a fresh copy of the bail application along with the affidavit of the *Pairvikar*.

This Court earlier on 23.07.2021 had favourably considered the petitioners’ prayer for grant of bail. Thereafter defects being noticed, the matter was adjourned to enable the petitioners’ counsel to rectify the same, which has been done.



Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in connection with Korha P.S. Case No.299 of 2020 instituted for the offence punishable under Section 413/414/420/34 of the Indian Penal Code.

The petitioners have allegedly been arrested while trying to flee from a police checking. One stolen motorcycle has been allegedly recovered. The petitioners have confessed to be the members of “*Korha gang*”.

The petitioners’ counsel submits that it is a case of false implication. The petitioners have no concern with the alleged “*Korha gang*”. They deny and dispute the recovery altogether and it is submitted that a co-villager, namely, Rajesh Kumar Yadav, who is on inimical terms, is an informer of the police and based on extraneous considerations, he has implicated the petitioners. Recovery is not in accordance with law and the petitioners are in custody in this case since 29.06.2020. They have also no criminal antecedents.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of



grant of bail is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners is allowed.

Let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Smt. Jaishree Kumari, Judicial Magistrate 1st Class, Katihar, in connection with Korha P.S. Case No.299 of 2020, subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings



regarding supply of the requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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