

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15657 of 2021**

Arising Out of PS. Case No.-166 Year-2008 Thana- MADANPUR District- Aurangabad

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YOGENDRA RAJAK @ CHHOTU RAJAK S/o Ramnandan Baitha R/o
village- Kauakhap, P.S.- Rafiganj, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Alka Singh

For the Opposite Party/s : Ms. Meena Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 06-07-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard both parties.

The petitioner seeks bail in Madanpur P.S. Case No.

166 of 2008, registered for the offence punishable under

Sections 302, 307, 353, 352, 333/34 of the Indian Penal Code

and sections 25(1-B), 26, 27 of the Arms Act and section 17 of

the CLA Act.

As per the prosecution case, on 18.10.2008 informant

received input that under the leadership of Zonal Commander

Sandeep Yadav there is assemblage of MCC, the police party

reached there. Firing and counter firing took place and in that

firing one SAF Guard succumbed to injury.



It is submitted on behalf of the petitioner that altogether 140 persons including the petitioner are named in the FIR. There is general and omnibus allegation against this petitioner and no specific over act has been raised against this petitioner and nor any specific injury is attributed against this petitioner. Name of this petitioner has come in this case on the basis of confessional statement of co-accused Jitendra Bhuiyan @ Gora Jee who has been granted bail by this Hon'ble Court vide order dated 17.07.2019 passed in Cr. Misc. No. 7540 of 2019 (Annexure-2). Petitioner is in custody since 08.08.2018. Chargesheet has already been submitted.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District & Sessions Judge, Aurangabad in connection with Madanpur P.S. Case No. 166 of 2008 corresponding to Sessions Trial No. 90/2019/11/2019, subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

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

(Prabhat Kumar Singh, J)

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