

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8810 of 2022

Arising Out of PS. Case No.-105 Year-2018 Thana- GOH District- Aurangabad

Vinay Yadav Son Of Late Ragho Yadav Resident Of Village- Salonbigha, P.S.
Konch, District- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Kumar, Adv
For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-06-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

Petitioner seeks bail in a case registered for the offence punishable under Sections 147, 148, 149, 385, 386, 120B of the Indian Penal Code, Sections 25(1-b)a, 26, 35 of the Arms Act and Section 17 of the CLA Act.

The allegation in the present case is regarding the police having raided the place of occurrence and upon seeing the police, the accused persons, who are said to be Maosits, began to flee away, however, one accused person, namely, Saryu Ram was arrested and on search, one country made carbine etc.



were recovered. It is the said Saryu Ram, who had disclosed the name of the petitioner and others to be his accomplice.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case only on the basis of disclosure made by co-accused, namely, Saryu Ram. He further submits that nothing incriminating article has been recovered from conscious possession of the petitioner and similarly situated co-accused, namely, Lala Mistry @ Lala Sharma already been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 11.01.2019 passed in Cr. Misc. No.76551 of 2018 and several other co-accused persons have also been granted bail by different Coordinate Benches of this Hon'ble Court and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 20.04.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries seven more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below



where the case is pending in connection with Goh P.S. Case No. 105 of 2018, with 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 cancelled 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.

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.

(Rajesh Kumar Verma, J)

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