

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25809 of 2021

Arising Out of PS. Case No.-10 Year-2021 Thana- JHAJHA District- Jamui

1. ARBIND YADAV Son of Late Rameshwar Yadav Resident of village - Belatar, P.S.- Jhajha, Distt.- Jamui.
2. Subodh Yadav Son of Arbind Yadav Resident of village - Belatar, P.S.- Jhajha, Distt.- Jamui.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha

For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 15-02-2022 Supplementary affidavits have been filed on behalf of the petitioners for making necessary correction in the petition and as such, he prays that corrected averments made in the supplementary affidavits be read in the order-sheet.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State in virtual court proceeding.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.



Petitioners seek bail in connection with Jhajha P.S. Case No. 10/2021 registered for the offences punishable under Section 395/397 of the IPC and $\frac{3}{4}$ of Explosive Substance Act.

The FIR of the occurrence of dacoity is against unknown. It is also alleged in the FIR that miscreants hurled bomb while committing dacoity which hit son of the informant.

Learned counsel for the petitioners submits that petitioner no. 2 has clean antecedent whereas petitioner no. 1 carries three criminal antecedent. He further submits that petitioners are not named in the FIR and they have falsely been implicated in the present case only on the basis of suspicion. He further submits that nothing has been recovered from conscious possession of the petitioners. Name of the petitioners have come on the basis of disclosure made by one chowkidar, namely, Sajjan Yadav. He further submits that cousin brother of petitioner no. 1 had filed Jhajha P.S. Case No. 335 of 2019 under Sections 147, 148, 149, 447, 302, 201 of the IPC against the said Chowkidar and others. He further submits that petitioners are in custody since 13.01.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances, let



the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jamui in connection with Jhajha P.S. Case No. 10/2021, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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