

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18297 of 2022

Arising Out of PS. Case No.-316 Year-2020 Thana- RAFIGANJ District- Aurangabad

Anil Yadav @ Anil @ Sandip @ Pankaj @ Jamshed, S/o Awadhesh Yadav,
Resident of Village- Simrahua, P.S.- Bandeya, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Narendra Kumar, Advocate
		Mr. Tej Narayan Singh, Advocate
For the Opposite Party/s	:	Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-07-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Narendra Kumar, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Rafiganj P.S. Case No. 316 of 2020 registered for the offences punishable under Sections 25(1-b) a/26 of the Arms Act and Sections 16, 18, 18(A), 18(B) and 20 of the U.A.P.A. Act.

As per prosecution case, it is alleged that an information having been received about the accused persons having gathered and planning to commit occurrence, a raid was



conducted and three accused persons were caught and various incriminating articles were recovered from their possession. It is further alleged that on enquiry they disclosed the name of other three accused persons including this petitioner.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner was neither arrested at the spot nor any incriminating article has been recovered from his possession. It is further submitted that only because of the past criminal antecedent, his name has been implicated in the present case without any material, save and except the disclosure made by the co-accused persons. It is further submitted that co-accused, who was arrested at the spot, has already been granted bail by the learned coordinate Bench of this Court in Cr. Misc. No. 30790 of 2021 vide order dated 10.12.2021, the copy of which has been brought on record by way of Annexure-2/A to this application. The petitioner is in custody since 29.10.2021.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner is carrying multiple criminal antecedent.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the



petitioner was neither arrested at the spot nor any incriminating material has been recovered and he is in custody since 29.10.2021 and moreover the other co-accused person, having similar allegation, has already been granted bail by learned coordinate Bench of this Court, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Rafiganj P.S. Case No. 316 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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