

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46296 of 2021

Arising Out of PS. Case No.-30 Year-2014 Thana- DUMARIYA District- Gaya

RAJESH YADAV @ RAJESH JEE S/O GHURA YADAV R/o village-
Dhakcha Salaiya (Barbadih), P.S.- Hariharganj, District- Palamu, Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prem Ranjan Raj, Advocate

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-03-2022 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection with Dumaria PS case no. 30 of 2014 instituted for the offences punishable under Sections 147, 148, 149, 341, 353, 307, 212 of Indian Penal Code, 27 of Arms Act and 17 of Criminal Law (Amendment) Act.

The allegation is regarding the informant having received secret information that 10-12 miscreants were planning to commit some serious crime, whereafter the informant had reached the place of occurrence along with the police force and then, there was exchange of gun firing in between the police and the miscreants. It is further alleged that the miscreants had then tried to escape, however two of



them were apprehended by the police and they had disclosed the name of their accomplices including that of the petitioner herein.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 12.07.2020. The learned counsel for the petitioner has further submitted that neither the petitioner has been arrested from the spot nor any arms/ ammunition have been recovered from the conscious possession of the petitioner. It is next submitted that other co-accused person namely Pradeep Yadav has already been granted bail by a co-ordinate Bench of this Court vide order dated 30.06.2021, passed in Cr. Misc. no. 10298 of 2021. Lastly, it is submitted, by referring to seizure list that no empty cartridges/ cartridges have been recovered from the spot, which leads to the conclusion that no firing had taken place and a false prosecution story has been cooked up. However, the learned counsel for the petitioner submits that considering the bad antecedent of the petitioner, he may be granted bail on such conditions, as may be deemed fit and proper to be imposed upon him by this Court.

Per contra, the learned A.P.P. for the State has



vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that neither any arms/ ammunition have been recovered from the conscious possession of the petitioner, apart from the fact that the petitioner's name has transpired in the present case merely on the basis of suspicion and disclosure made by the arrested co-accused persons, though I deem it fit and proper to admit the petitioner to the privilege of bail, however subject to certain conditions.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of J.M. 1st class, Sherghaty, Gaya in connection with Dumariya PS case no. 30 of 2014.

It is further directed that the petitioner shall mark his presence before the officer-in-charge of the concerned police station at 10 am on every Monday, starting from the day he is released from jail, and in case of failure to do so on two consecutive occasions, the present privilege of bail shall



stand cancelled automatically and the petitioner shall be taken
into custody forthwith.

(Mohit Kumar Shah, J)

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