

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45345 of 2021**

Arising Out of PS. Case No.-165 Year-2013 Thana- BOCHAHAN District- Muzaffarpur

RAJESH KUMAR YADAV @ RAJESH YADAV, Son of Ram Ekbal Rai
Resident of Village- Katha Bhimalpur, P.S.- Mehshi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Om Prakash Singh

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 05-01-2022 Heard the learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of regular bail, arises out
of Bochahan Police Station Case No. 165 of 2013, disclosing
offences under Sections 364(A)/34 of the Indian Penal Code.

The learned counsel for the petitioner submits that
the petitioner is in custody since 02.12.2020 and chargesheet has
been submitted. The learned counsel further submits that FIR
was lodged against unknown persons and one Kailash Kumar
was arrested in connection with Tariyani P.S. Case No.79 of
2013 on 17.07.2013 and in his confessional statement, the name
of this petitioner transpired. The learned counsel submits that
the petitioner was taken into custody in this case but he fled
away from custody after remaining in jail for nearly 21 months.

The learned counsel next submits that the name of this petitioner transpired in the confessional statement of Kailash Kumar, who was enlarged on bail vide order dated 15.12.2014 passed in Cr. Misc. No.17087 of 2014. The learned counsel for the petitioner further submits that the charges have been framed in this case.

The learned counsel for the petitioner submits that from perusal of allegation, as alleged in the FIR, it would manifest that petitioner was not named in the FIR as it was instituted against unknown.

The learned A.P.P. opposes the prayer for bail and submits that petitioner has antecedent as mentioned in para-3 of the bail application and once he also fled away from judicial custody.

Considering the fact that Kailash Kumar has been granted bail and chargesheet has been submitted in this this, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 50,000/- (fifty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-Vth, Muzaffarpur, in connection with Bochahan Police Station Case No. 165 of 2013 (Sessions Trial No.583 of 2019), with a condition that one of the bailor shall be the father of the petitioner.

Since the petitioner has antecedent and he has been fled away from judicial custody, as such the petitioner will continue marking his attendance in the concerned P.S. in between 25-30 of every month commencing from January, 2022 till the trial is not completed and in the event if it is reported by the concerned P.S. to the learned Court below that petitioner in between the aforesaid date, in any of the month till completion of the trial, has not marked his attendance, the Court below will forthwith cancel the bail bond. Further, the Court below will also ensure that the concerned P.S. on the last date of every month send a Report with regard to marking of attendance of the petitioner.

The application stands allowed.

(Satyavrat Verma, J)

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