

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51643 of 2021

Arising Out of PS. Case No.-3 Year-2018 Thana- KONCH District- Gaya

Vinay Yadav S/O Late Ragho Yadav R/O Village-Salonbigha, P.S.- Konch,
District-Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Banwari Sharma, Adv
For the Opposite Party/s : Mr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 16-08-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Konch P.S.Case No. 3 of 2018 for the
offences punishable under Sections 120B, 353,386/34 of
the Indian Penal Code and Section 17 of the CLA Act.

As per the prosecution case, it is alleged that the
police on secret information raided the house of Ramjan
Mian and on search certain explosive substance was
recovered. It is further alleged that on interrogation, he
disclosed the name of the petitioner and his other associates.



Learned counsel for the petitioner submitted that petitioner was neither arrested at the spot nor any incriminating material has been recovered. It is further submitted that the alleged recovery has been made from the house of Ramjan Mian @ Bhui, who is said to be a member of an extremists group. However, the said Ramjan Mian has already been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 29402 of 2018 vide order dated 29.06.2018. It is next submitted that in fact the name of the petitioner has been implicated in this case only on account of past criminal antecedent of the petitioner which shows the high handedness of the police. It is lastly submitted that this petitioner is in jail custody since 08.01.2021 and save and except the alleged disclosure made by the apprehended co-accused. Ramjan Mian, there is no other material against the petitioner.

On the other hand, learned counsel for the State opposed the bail application and submits that the petitioner has multiple criminal antecedent.

Having heard the rival contentions of the parties and taking into consideration the fact that the alleged



recovery has been made from the house of co-accused Ramjan Mian @ Bhui, who has been granted bail by the learned co-ordinate Bench of this Court and moreover, criminal antecedent of a person cannot be sole ground for rejection of bail, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st class, Gaya in connection with Konch P.S.Case No. 03 of 2018 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 step for cancelling 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.

(Harish Kumar, J)

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