

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50325 of 2022

Arising Out of PS. Case No.-169 Year-2015 Thana- DHAMDAHA District- Purnia

RANJEET YADAV SON OF RAM BILASH YADAV R/O VILLAGE-
SANJHAGHAT, P.S.- MIRGANJ, DISTRICT- PURNEA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.N.K. Agrawal, Senior Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 09-12-2022 Heard learned Senior Counsel for the petitioner and

Mr. Jitendra Kumar Singh, learned APP who represents the

State.

Let the defect(s), if any, as pointed out by the office

be removed within four weeks.

The petitioner is in judicial custody in connection

with Dhamdaha P.S. Case No. 169 of 2015 for the offences

under Sections 324, 307, 302, 379, 120B/34 of the Indian Penal

Code.

As per the prosecution story, the cousin brother of the

informant came to Bihar who works on finishing of the stones

and on the assurance of the marriage of Keshav Dev Sahni, they

reached Patna and proceeded to Purnea. As they reached near

Mogoliya Purndaha, the accused persons snatched Rs. 7 lakh



from cousin brother of the informant, Rs. 200/- from informant and also assaulted them causing injury to his cousin brother who subsequently succumbed to the said injuries. Accordingly, the FIR was lodged.

Learned Senior Counsel submits that he had no concern with the occurrence and when the accused Kumar Gaurav @ Bambam Yadav was arrested, he named him as one of the accused. However, as the petitioner never came to know about his implication in this case, he delayed his arrest.

As would reflect from the FIR, it was lodged in 2015 but the petitioner took seven long years to come into judicial custody. The learned Senior Counsel, as stated above, has averred that it was due to lack of knowledge about his implication that delayed the matter.

His further submission is that the FIR named accused Kumar Gaurav @ Bambam Yadav has been acquitted by the learned Trial Court on 6.9.2018 in Sessions Case No. 39 of 2016.

His further submission is that another co-accused, Randhir Yadav has also been granted the privilege of bail vide Cr. Misc. No. 10355 of 2019.

Although, there has been inordinate delay on the part



of the petitioner to come into judicial custody which is deprecable, taking into account the aforesaid developments that have subsequently happened as also that he is in custody since 12.6.2022 (as stated in para-10 of the bail application), this Court is inclined to grant him privilege of bail only after framing of the charges with further conditions that he will be taking part in the trial on regular basis considering that the matter is of 2015.

Let the petitioner be released on bail after framing of the charges on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M., IV Purnea in connection with Dhamdaha P.S. Case No. 169 of 2015, subject to the following conditions :-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash/Ajay/-

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