

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1052 of 2022

Arising Out of PS. Case No.-157 Year-2021 Thana- KONCH District- Gaya

RAMASHISH YADAV @ BHUIAN @ RANVIJAY YADAV Son of Rambali
Yadav Resident of Village- Mahmanna, P.S.- Tekari, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 11-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Konch
P.S. Case No. 157 of 2021 registered for the offences punishable
under Sections 385, 386, 387, 504, 506/34 of the Indian Penal
Code and under Section 27 of the Arms Act.

As per prosecution case, the informant was allotted
work from the Road Construction Department under Tekari
Division, Gaya, but the construction work has been stopped by
six miscreants by making firing in air. It is further alleged that
miscreants snatched Rs. 25,000/- from Munshi and mobiles
were snatched from the driver and Khalashi of JCB.



Learned counsel for the petitioner submits that petitioner is in custody since 23.08.2021. Petitioner bears three criminal antecedent in which he is on bail in all cases. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is innocent and has falsely been implicated in this case. F.I.R. is against unknown persons and no incriminating articles has been recovered from the conscious possession of the petitioner. There is no T.I.P. was constructed till date. Petitioner is remanded in this case on the basis of self-confessional statement recorded in Chakand P.S. Case No. 90 of 2021. Co-accused Birendra Prasad has been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 360 of 2022 and the case of present petitioner stands on better footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be



released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Kumar Prabhakar learned J.M. 1st Class, Gaya in connection with Konch P.S. Case No. 157 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) If information given by petitioner regarding criminal antecedent as mentioned in Para 3 of the bail petition is found untrue, the bail petition of the present petitioner stands cancelled by lower court below itself.

(Alok Kumar Pandey, J)

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