

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17078 of 2023

Arising Out of PS. Case No.-26 Year-2022 Thana- CHANDAUTI District- Gaya

Ashish Yadav @ Ashish Raj @ Bade Yadav @ Bare @ Bade @ Ashis Raj S/O
Jamindra Singh @ Jamindra Yadav R/O Village- Sherpur, P.S- Chandauti
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manisha Prakash, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and the
learned APP for the State

The petitioner apprehends his arrest in connection with Chandauti P.S. Case No.26 of 2022 instituted under Sections 395, 397 of the Indian Penal Code and Section 27 of the Arms Act lodged on 31.01.2022 by the informant Mister Shami.

As per the prosecution story, when the informant was returning from Mirch Express Café and when he reached near Durbey hill with his scooty, then 8-10 unknown persons stopped his scooty and started assaulting him and also snatched 2000/- rupees, mobile and scooty, and also fired. Accordingly, the FIR.

It has been contented by learned counsel for the petitioner that his name has come in the confessional statement



and nothing has been recovered from his house and/or any incriminating document has been seized. Further the cases has been lodged against unknown in which he has become accused and as such he has criminal antecedent.

Learned APP on the other hand opposes the prayer for anticipatory bail stating that his name has come in the confessional statement.

Taking into account the fact that the name has come in the confessional statement and nothing incriminating recovered/seized, this Court is inclined to grant him privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Chandauti P.S. Case No.26 of 2022 to the satisfaction of learned ACJM, VIth, Gaya, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(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 will make himself available to the police as and when required in course of investigation;

(iii) 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;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(v) 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;

(vi) 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.

(Rajiv Roy, J)

Prakash Narayan /
Sunil

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