

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19551 of 2023

Arising Out of PS. Case No.-298 Year-2021 Thana- RAFIGANJ District- Aurangabad

Dayanand Kumar @ Dayanand Yadav @ Pujari @ Baba Pujari, aged about 30 years (Male), Son of Late Munarik Yadav @ Mundrika Yadav R/V- Labhri PS- Rafiganj. District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar, Advocate

For the State : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Rafiganj P.S. Case No. 298 of 2021 dated 29.09.2021 registered for the offence punishable under Section 394 of the Indian Penal Code.

As per prosecution case, the informant's gold chain, mobile and keys of motorcycle have been taken away by two unknown miscreants.

Learned counsel for the petitioner submits that the petitioner was not arrested from the spot but his name transpired on the confessional statement of co-accused Ravi Kumar @ Bittu Kumar. The petitioner is not named in the F.I.R. Nothing has been recovered from the possession of the petitioner. Except confessional statement, there is nothing on record to



demonstrate the complicity of the present petitioner with the alleged occurrence. Learned counsel submits that the petitioner has criminal antecedent of four cases. However, he is on bail in all the four cases. Learned counsel further submits that a co-ordinate Bench of this Court vide order dated 17.10.2022 in Cr. Misc. No. 36190 of 2022 has granted bail to a similarly situated co-accused namely, Sachin Kumar @ Schidanand Kumar. Learned counsel submits that charge sheet has already been filed and there is no chance of tampering of evidence. The petitioner is languishing in jail custody since 26.04.2022.

Learned APP appearing for the State has opposed the prayer for regular bail of the petitioner.

Considering the aforesaid facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad (Bihar) in connection with Rafiganj P.S. Case No. 298 of 2021.

(Sunil Dutta Mishra, J)

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