

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21679 of 2023

Arising Out of PS. Case No.-262 Year-2019 Thana- RAGHOPUR District- Supaul

Pravin Yadav @ Pravin Kumar Yadav Son Of Late Ramdeo Yadav Resident
Of Village - Basaha Vishanpur, P.S.- Pipra, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Suraj Narain Yadav, Advocate Mr. Sweta Kumari, Advocate Mr. Jata Shankar Jha, Advocate Mr. Masoom Alam, Advocate
For the Opposite Party/s	:	Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 230 of 2022 arising out of Raghapur P.S. Case No. 262 of 2019 dated 10.12.2019, instituted for the offence punishable under Sections 399, 402, 353, 307, 414 of the Indian Penal Code and 25(1-b)a, 26, 35, 27 of the Arms Act.

3. The prosecution case in short, is that the informant, based on information about hiding spot of miscreant involved in loot in Muthoot Finance, reached residence of Chulhai Sharma where firing started from both sides and police arrested three accused persons but petitioner fled away.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he is falsely implicated in this case. It is further submitted that the name of petitioner has transpired in this case on the basis of the confessional statement of the Co-accused namely, Rahul Kumar Mandal who has been granted bail by the Co-ordinate Bench of this Court. He further submitted that the prosecution case appears to be false for the simple reason that there is recovery of only one empty cartridge from the courtyard of Chulhai Sharma and no cartridge has been recovered from the police officials, when there is allegation of 35-40 rounds firing by the accused persons and 21 round firing from the police side. Learned counsel for the petitioner further submitted that other co-accused persons have been granted bail by different Benches of this Court on different dates, which is mentioned in the paragraph 12 of the bail application. It is further submitted that the learned Sessions Judge has committed error of record that looted motorcycle, Mobile and Cash have been recovered from the possession of the petitioner, in fact the seizure list mentioned the recovery of such things from thatched house of Chulhai Sharma. Lastly, it has been submitted that the petitioner is in custody since 10.04.2022, has criminal antecedents of two cases and charge-sheet has been submitted in



the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned District and Sessions Judge- I, Supaul in Sessions Trial No. 230 of 2022 arising out of Raghapur P.S. Case No. 262 of 2019, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.



4. 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.

(Khatim Reza, J)

Sankalp/-

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