

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19440 of 2023**

Arising Out of PS. Case No.-20 Year-2013 Thana- DUMARIYA District- Gaya

RAJESH YADAV @ RAJESH JEE, aged about 48 years, Male, S/O GHURA  
YADAV Resident of Village- Dhakcha Salaiya (barbadih), P.S.- Hariharganj,  
District- Palamu (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shailesh Kumar, Advocate  
For the Opposite Party/s : Ms. Nirmala Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

5      24-11-2023                      Heard Mr. Shailesh Kumar,, learned counsel  
appearing on behalf of the petitioner and Ms. Nirmala Kumari,  
learned App for the State.

2. Petitioner, who is in custody since 12.07.2020,  
seeks regular bail in connection with Dumaria P.S. Case No. 20  
of 2013 dated 26.03.2013 registered for offences punishable  
under Sections 147, 148, 149, 332, 333, 353, 307, 120B of the  
Indian Penal Code, Section 27 of the Arms Act, Sections 10,  
11, 13(i), 13(ii) of the Unlawful Activities Prevention Act and  
Section 17 of the C.L.A. Act.

3. Learned counsel appearing on behalf of the  
petitioner submitted that the bail application of the petitioner  
was earlier rejected vide order dated 24.02.2022 passed in



Criminal Miscellaneous No. 27277 of 2021. He further submitted that a direction was given to the trial court to expedite the trial of the petitioner on day to day basis and conclude the same within 12 months but till date not even commitment of the case has been done and the case is still pending for awaiting the commitment and in the changed circumstances, he has renewed his prayer for grant of bail. Learned counsel further submitted that petitioner has played no role in the alleged offence but has been falsely implicated in the present case and no case under Section 307 of the IPC or CLA Act is made out against him. It is further submitted that most of the co-accused persons have been granted bail and one of the similarly situated co-accused Pradeep Yadav @ Pradeep Jee has also been granted bail by a co-ordinate Bench of this Court vide order dated 21.08.2017 passed in Cr. Misc. No.36821 of 2017. Petitioner is accused in eight other criminal cases and in this regard, he has given detail in paragraph no. 3 of the present bail application. Petitioner undertakes that he will not involve in criminal activities in future and to that effect, he is ready to file his personal affidavit along with two respectable persons of the village where he resides.

4. Learned A.P.P., for the State has vehemently



opposed the prayer for grant of bail to the petitioner.

5. Considering the nature of allegation, as well as, the fact that similarly situated co-accused has already been granted bail by a co-ordinate Bench of this Court and petitioner has remained in custody for more than three years and also the fact that petitioner is ready to give his undertaking that he will not involve in criminal activities in future by filing affidavit along with two respectable persons of the village where he resides, out of which, one person should be *Mukhiya* of the said village, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on bail.

6. The petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Dumaria P.S. Case No. 20 of 2013 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court.

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

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

7. In case, the petitioner is required custody in any other criminal cases pending against him, the trial Court may verify the same.

**(Purnendu Singh, J)**

Sanjay/-

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