

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19546 of 2023

Arising Out of PS. Case No.-46 Year-2021 Thana- KHUTAUNA District- Madhubani

RAJESH KUMAR @ RAJESH KUMAR YADAV @ RAJESH YADAV Son
of Pawan Yadav @ Sanjeet Kumar Yadav Resident of village - Ghordaur O.P.
Telkeshwar, P.S.- Kusheshwar Asthan, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 27-04-2023 1. Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.
2. Heard learned counsel for the petitioner and the learned APP for the State.
3. Petitioner seeks regular bail in connection with Khutauna P.S. Case No. 46 of 2021 dated 16.04.2021 registered for the offences punishable under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of Arms Act.
4. The main submissions advanced by petitioner's counsel are that the petitioner was not apprehended at the spot



and his name surfaced in the confessional statement of co-accused Deo Kumar Mandal @ Lalu, who was arrested at the spot with firearms, has been granted bail by a co-ordinate Bench of this Court vide order dated 08.03.2022 passed in Cr. Misc. No. 50249/2021. Further submissions are that the petitioner is an engineering graduate and he is handicapped with 55% permanent deformity of left forearm and hand and he has been languishing in jail since 24.01.2023 and against him, the investigation has been completed and against him, there is criminal antecedent of one case, in which he has been granted anticipatory bail by the trial Court itself. It is further submitted that the marriage of the petitioner's cousin sister is scheduled to be held on 03.05.2023 in which the petitioner's physical presence is mandatory.

5. Learned APP appearing for the State has opposed the bail prayer.

6. Considering the above submissions and mainly the petitioner's physical deformity as submitted above and also the facts that he was not arrested at the spot and his name surfaced in the statement of co-accused Deo Kumar Mandal @ Lalu, who is on bail, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail



on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Khutauna P.S. Case No. 46 of 2021.

(Shailendra Singh, J)

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