

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29794 of 2023

Arising Out of PS. Case No.-178 Year-2013 Thana- MOTIPUR District- Muzaffarpur

Rajesh @ Rajesh Kumar Yadav @ Rai, Son of Ram Ekbal Yadav @ Rameakbal Rai, Resident of Village-Bhimalpur, P.S.-Mehsi, Dist-East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-07-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The accused/petitioner seeks bail in connection with Sessions Trial No.166 of 2017 arising out of Motipur P.S. Case No.178 of 2013 registered for the offences punishable under Sections 323, 341, 324, 307, 379, 364-A, 353 read with 34 of the Indian Penal Code and Sections 25(1-b)a, 26 and 27 of the Arms Act.

The accused/petitioner is named in the FIR and is in custody since 03.09.2021.

Allegation against the petitioner is to abduct one Santosh Kumar along with other co-accused persons, where occurrence was reported through local choukidar, namely, Bhola Ram. A raid was conducted by police personnel, where during



the course of occurrence, firing was also made by one of the co-accused, namely, Fauji upon police party.

It is submitted by learned counsel that the only role assigned to this petitioner that he was present in a car, which was used for abducting the boy. It is submitted that no specific role was assigned to this petitioner and also that he was directing/leading the operation of abduction. It is further submitted that nothing incriminating recovered from this petitioner. Learned counsel pointed out that petitioner was not put on Test Identification Parade, as yet. It is also pointed out that similarly situated co-accused, namely, Pooja Kumari has already granted bail vide order dated 21.08.2014 passed in Cr. Misc. No.23040 of 2014. Learned counsel further submitted that as petitioner found involved in fifteen criminal cases, where he is on bail in twelve cases, a suspicion arises out of his criminal antecedents, whereafter petitioner named with present case also without having any connecting materials. While concluding argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer for grant of bail to the petitioner.



In view of above-mentioned facts and circumstances and by taking note of fact as specific role was not attributed to this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 03.09.2021, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-2nd, Muzaffarpur in connection with Sessions Trial No.166 of 2017 arising out of Motipur P.S. Case No.178 of 2013, subject to the conditions as laid down under Section 437(3) of the CrPC and with further conditions:-

(i) That petitioner shall not involve in any nature of criminal case till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That petitioner shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground



of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J.)

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