

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36041 of 2023

Arising Out of PS. Case No.-90 Year-2020 Thana- KURSAILA District- Katihar

Sanoj Yadav @ Sanoj Kumar S/O Anil Yadav R/O Village and P.O- Sadhua,
P.S- Rangra O.P, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Sessions Trial No. 738 of 2022 arising out of Kursaila P.S. Case No. 90 of 2020 lodged on 11.05.2020 under Sections 384, 386, 307 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the FIR has been lodged against two named accused persons and 8-10 unknown who are alleged to be associate of two named accused persons with an allegation that some criminals in the area of Baghmara Diara were demanding extortion from the farmers at the time of harvesting the crops.

4. Learned counsel for the petitioner submits that the petitioner is not named in the FIR. Subsequently, the name of



the petitioner has figured in this case by virtue of confessional statement of co-accused. Learned counsel for the petitioner further submits that the other co-accused, namely, Sumit Kumar Yadav @ Sumit Yadav has been granted regular bail by a co-ordinate Bench of this Court vide order dated 04.02.2022 passed in Criminal Miscellaneous No. 58464 of 2021. Moreover, as per the FIR itself no injury has been caused to anyone and the petitioner is in custody since 28.09.2022. Apart from the present case, the petitioner is accused in nine other cases but, except one case in which he is persuading for bail, in all the cases he has been granted bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that though the petitioner is not named in the FIR, but he is having serious criminal antecedents.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-III, Katihar in connection with Sessions Trial No. 738 of 2022 arising out of Kursaila P.S. Case No. 90 of 2020, subject



to the conditions as laid down under Section 437(3) of Cr.P.C.with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

(Dr. Anshuman, J)

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